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CHAPTER 1 General Provisions

ARTICLE I Code

Sec. 1-1-10. Adoption of Code.

Upon adoption by the Board of Trustees, this published code, known as the *Blue River Municipal Code*, is hereby declared to be and shall hereafter constitute the official Code of the Town. This primary Code has been promulgated by the Town of Blue River, Colorado, as a codification of all the ordinances of the Town of Blue River of a general and permanent nature through Ordinance No. 06-01, 2006, for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the Town. This Code is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-3-80 of this Chapter. One (1) copy of said Code is now on file in the office of the Town Clerk and may be inspected during regular business hours. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document.

Sec. 1-1-20. Title and scope.

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Blue River, Colorado, of a general and permanent nature, and shall be known as the *Blue River Town Code*.

Sec. 1-1-30. Code supersedes prior ordinances.

This Code shall supersede all other municipal codes consisting of compilations of general and permanent ordinances and parts of ordinances passed by the Board of Trustees.

Sec. 1-1-40. Adoption of secondary Codes by reference.

Secondary codes may be adopted by reference, as provided by state law.

Sec. 1-1-50. Repeal of ordinances not contained in Code.

All existing ordinances and portions of ordinances of a general and permanent nature which are inconsistent with any ordinance included in the adoption of this Code are hereby repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided.

Sec. 1-1-60. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-50 of this Code shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed.

Sec. 1-1-70. Ordinances saved from repeal.

- (a) All general ordinances of the Town passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances, which are not hereby repealed:
- (1) Tax levy ordinances.
 - (2) Appropriation ordinances.
 - (3) Ordinances relating to boundaries and annexing territory to or excluding territory from the Town.
 - (4) Franchise ordinances and other ordinances granting special rights to persons or corporations.
 - (5) Contract ordinances and ordinances authorizing the execution of a contract for purchase of beneficial use of water by the Town or the issuance of warrants.
 - (6) Ordinances approving or authorizing specific contracts with the State, with other governmental bodies or with others.
 - (7) Salary ordinances.
 - (8) Ordinances establishing, creating, opening, dedicating, naming, renaming, vacating or closing streets, alleys or other public places.
 - (9) Ordinances establishing the grades or lines of specific streets, sidewalks and other public ways.
 - (10) Ordinances creating specific sewer and paving districts and other local improvement districts ordinances;
 - (11) Bond ordinances authorizing the issuance of general obligation or specific local improvement district bonds;
 - (12) Ordinances making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
 - (13) Ordinances dedicating or accepting any specific plat or subdivision.
 - (14) Ordinances relating to elections.
 - (15) Ordinances relating to the transfer or acceptance of real estate by or from the Town or authorizing a specific lease, sale or purchase of property.
 - (16) Ordinances amending the Official Zoning Map; and
 - (17) All special ordinances.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of this Code shall not repeal or amend any such ordinance or part of any such ordinance.

- (b) No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities, shall be repealed by virtue of the adoption of this Code or by virtue of the preceding Section, excepting as the Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance in respect to such provisions only.

(Prior codes 1-2-1, 1-2-2; Ord. 06-01 §1, 2006)

Sec. 1-1-80. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of this Code, certain grammatical changes and other changes were made in one (1) or more of said ordinances. It is the intention of the Board of Trustees that all such changes be adopted as part of this Code as if the ordinances so changed had been previously formally amended to read as such.

ARTICLE II Definitions and Usage

Sec. 1-2-10. Definitions.

Whenever the following words, phrases or terms are used in this Code, they shall have such meanings herein ascribed to them, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Agent means a person acting on behalf of another.

Board or *Board of Trustees*, unless otherwise indicated, means the Board of Trustees of the Town of Blue River.

Chief of Police includes the law enforcement officer employed by the Town or the Summit County Sheriff, pursuant to contract between the Town and the County.

Code means the Municipal Code of Blue River, Colorado, as published and subsequently amended, unless the context requires otherwise.

County means the County of Summit, Colorado.

C.R.S. means the Colorado Revised Statutes, including all amendments thereto.

Employees. Whenever reference is made in this Code to a Town employee by title only, this shall be construed as though followed by the words, "of the Town of Blue River."

Fee means a sum of money charged by the Town for the carrying on of a business, profession or occupation.

Law denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

License means the permission granted for the carrying on of a business, profession or occupation.

May is permissive.

Mayor means the Mayor of the Town.

Misdemeanor means and is to be construed as meaning *violation* and is not intended to mean *crime* or *criminal conduct*.

Month means a calendar month.

Nuisance means anything offensive or obnoxious to the health and welfare of the inhabitants of the Town; or any act or thing repugnant to, creating a hazard to, or having a detrimental effect on the property of another person or the community. (See also Section 7-1-10 of this Code.)

Oath shall be construed to include 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*.

Occupant, as applied to a building or land, means any person who occupies the whole or any part of such building or land, whether alone or with others.

Offense means any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

Officers. Whenever reference is made in this Code to a Town officer by title only, this shall be construed as though followed by the words "of the Town of Blue River."

Operator means the person who is in charge of any operation, business or profession.

Ordinance means a law of the Town; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

Owner, as applied to a building, land, motorized vehicle, animal or other real or personal property, shall include any part owner, joint owner, tenant in common, joint tenant or lessee or any other person with a possessory interest in the whole or a part of such building, land, motor vehicle, animal or other real or personal property.

Person means natural person, any public or private corporation, company, firm, joint venture, joint stock company, partnership, association, business, trust, organization, club, government or any other group acting as a unit, or the manager, lessee, agent, servant, officer or employee of any of them.

Personal property shall include every description of money, goods, chattels, effects, evidence of rights in action, evidences of debt and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

Preceding and *following* mean "next before" and "next after," respectively.

Property includes real and personal property.

Real property includes lands, tenements and hereditaments.

Retailer, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

Shall and *must* are both mandatory.

Sidewalk means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

State means the State of Colorado.

Street means any approved roadway used for vehicular traffic.

Tenant and occupant, as applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

Town means the Town of Blue River, County of Summit, State of Colorado, or the area within the territorial limits of the Town and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

Wholesaler and wholesale dealer, unless otherwise specifically defined, relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

Written or in writing may mean printed, typewritten, photocopied, mimeographed, multi-graphed and any other mode of representing words and letters in permanent visible form, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person or, in case he or she is unable to write, by his or her proper mark.

Sec. 1-2-20. Computation of time.

Except as provided by applicable state law, 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 shall fall 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.

Sec. 1-2-30. Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town, or his or her designated representative.

Sec. 1-2-40. Usage of terms.

- (a) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such peculiar and appropriate meaning.
- (b) The word *ordinance* contained in the ordinances of the Town has been changed in the content of this Code to "Article," "Chapter," "Section" and/or "subsection," or words of like import, for organizational and clarification purposes only. Such changes to the Town's ordinances are not meant to amend passage and effective dates of such original ordinances.

(Prior code 1-3-1; Ord. 06-01 §1, 2006)

Sec. 1-2-50. Grammatical interpretation.

- (a) The following grammatical rules shall apply to this Code and to Town ordinances:
 - (1) Any gender includes the other genders.
 - (2) The singular number includes the plural and the plural includes the singular.
 - (3) Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
 - (4) Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

- (b) These rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

(Prior code 1-3-1; Ord. 06-01 §1, 2006)

ARTICLE III General

Sec. 1-3-10. Titles and headings not part of Code.

Chapter and Article titles, headings, numbers and titles of sections and other divisions in this Code or in supplements made to this Code are inserted in this Code, may be inserted in supplements to this Code for the convenience of persons using this Code, and are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-3-20. Authorized acts.

When this Code requires an act to be done which may as well be done by an agent, designee or representative as by the principal, such requirement shall be construed to include all such acts performed when done by an authorized agent, designee or representative.

Sec. 1-3-30. Prohibited acts.

Whenever in this Code or any Town ordinance any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-3-40. Purpose of Code.

The provisions of this Code, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice.

Sec. 1-3-50. Repeal of ordinances.

- (a) No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- (b) This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- (c) Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Town herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to

accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any ordinance or provision thereof in force at the time of the adoption of this Code.

(Prior code 1-2-3)

Sec. 1-3-60. Publication of ordinances.

All ordinances, as soon as possible after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and Town Clerk. All ordinances of a general or permanent nature, and those imposing any fine or forfeiture, shall be published in a newspaper published within the Town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health and safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon their final passage and adoption and the approval and signature of the Mayor, if they are adopted by an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees.

Sec. 1-3-70. Amendments to Code.

Any ordinance or part of an ordinance of a permanent and general nature, which amends this Code and is passed or adopted after the adoption of this Code, shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be deemed amendments to this Code, all of the substantive, permanent and general parts of said ordinances and changes made thereby shall be immediately forwarded to the codifiers and said ordinance material shall be prepared for insertion in its proper place in each copy of this Code, as provided in Section 1-3-80 hereof. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Code.

Sec. 1-3-80. Supplementation of Code.

- (a) The Board of Trustees shall cause supplementation of this Code to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances passed by the Board of Trustees or adopted by initiative and referendum, and all amendments and changes in temporary and special ordinances or other measures included in this Code prior to the supplementation and since the previous supplementation, shall be included.
- (b) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the one (1) certified copy of the book containing this Code required to be filed in the office of the Town Clerk for the use of the public.

(Ord. 06-01 §1, 2006)

Sec. 1-3-90. Examination of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code adopted by this ordinance to see that it is a true and correct copy of this Code. Similarly, after each supplement has been prepared, printed and inserted in this Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of this Code as supplemented. The Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of the State as the ordinances of the Town of general and permanent effect, except the excluded ordinances enumerated in Section 1-1-70 above.

Sec. 1-3-100. Copy of Code on file.

At least one (1) copy of this Code so certified and sealed most recently shall be kept in the office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law.

Sec. 1-3-110. Sale of Code books.

Copies of this Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees.

Sec. 1-3-120. Severability.

The provisions of this Code are declared to be severable, and if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby. The Board of Trustees hereby declares that this Code would have been adopted even if such unconstitutional matter had not been included therein.

ARTICLE IV General Penalty

Sec. 1-4-10. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required in this Code.

Sec. 1-4-20. General penalty for violation.

Any person convicted in the Municipal Court of a violation of any provision of this Code for which a different penalty is not specifically provided may be punished by a fine not exceeding two thousand seven hundred dollars (\$2,700.00), as adjusted for inflation on January 1, 2018, and on January 1 of each year thereafter. In addition, such person shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

Sec. 1-4-30. Reserved.

Editor's note(s)—Ord. No. 16-03, § 2, adopted December 20, 2016, repealed § 1-4-30, which pertained to application of penalties to juveniles and derived from Ord. 06-01, § 1, adopted in 2006.

Sec. 1-4-40. Application of provisions.

- (a) The penalty provided in this Chapter shall be applicable to every section of this Code as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed on each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Town Code.

- (b) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; however, not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- (c) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

(Prior code 1-4-2)

Sec. 1-4-50. Altering or tampering with Code; penalty.

- (a) It shall be deemed unlawful for any person to alter, change, amend, replace, deface or tamper with in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Any person who shall alter or tamper with this Code in any manner shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof.
- (b) Replacement pages may be inserted according to the official instructions when so authorized by the Board of Trustees. The Town Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Town Clerk. Any person having in his or her custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He or she shall see to the immediate insertion of new or replacement pages when such are delivered to him or her or made available to him or her through the office of the Town Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Town and shall be returned to the office of the Town Clerk when directed to do so by order of the Board of Trustees.

(Prior code 1-1-4; Ord. 06-01 §1, 2006)

Sec. 1-4-60. Penalty for violations of ordinances adopted after adoption of Code.

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof unless another penalty is specifically provided for the violation; provided that any provision for imprisonment shall not be effective.

Sec. 1-4-70. Interpretation of unlawful acts.

Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful.

ARTICLE V Inspections

Sec. 1-5-10. Entry.

Whenever necessary to make an inspection to enforce any provision of this Code or any ordinance, or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the Town, any public inspector of the Town may, upon presentation of proper credentials and upon obtaining permission of the occupant or, if unoccupied, the owner, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance. In the event the occupant, or if unoccupied, the owner, refuses entry to such building or premises, or the public inspector is unable to obtain permission of such occupant or owner to enter such building or premises,

the public inspector is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Sec. 1-5-20. Authority to enter premises under emergency.

Law enforcement officers certified with the State, members of the Fire Department, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Town, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the Town without invitation from the occupant of the residence at any time such persons have reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant of such premises is incapable of consenting to the entry because of such medical emergency.

Sec. 1-5-30. Announcement of purpose and authority to enter premises.

Unauthorized entry pursuant to Section 1-5-20 shall be permissible only after the individuals seeking entry have announced both their purpose and authority in a loud and conspicuous voice and have waited a reasonable period of time for the occupant to respond before making entry.

ARTICLE VI Seal

Sec. 1-6-10. Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "Town of Blue River, Colorado," shall be and hereby is declared to be the Seal of the Town.

ARTICLE VII Disposition of Abandoned Property

Sec. 1-7-10. Definitions.

When used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

Abandoned property means any property which has been surrendered, relinquished, disclaimed, thrown away or forsaken with no evidence or indication of ownership thereon or which cannot, with reasonable effort, be traced to any owner.

Acquired property means property which has been turned over to the Town as abandoned, which the Town has no further use for, which has been found on property of the Town having no evidence or indication of ownership or which cannot, with reasonable effort, be traced to any owner.

Evidentiary property means any property required, used or held as evidence in any Municipal Court case and which is declared available for disposal by a Judge of the Municipal Court.

Sec. 1-7-20. Presale procedures.

- (a) Board informed of property. Whenever any abandoned, found, acquired or evidentiary property is in the possession of any Town employee or official, such employee or official shall, at the next regularly scheduled Town meeting, inform the Board of Trustees of the nature of the property, including its description and approximate value and the circumstances leading to its coming into possession of the Town.

- (b) Declaration of abandonment, acquisition, etc. The Board of Trustees may, at that meeting or any later meeting, declare the property abandoned, found, acquired or evidentiary property and subject to sale pursuant to this Chapter.
- (c) Sale date. After such declaration, the Town Clerk shall schedule a sale date, which shall be no less than sixty (60) days and no more than ninety (90) days after such declaration.
- (d) Notice of sale. At least forty-five (45) days before such sale date and again at least fifteen (15) days before such sale date, the Town Clerk shall cause notice of such sale to be printed in at least one (1) newspaper with local circulation. Such notice shall contain a description of the property to be sold, the date, time and place of the sale and such other information as the Board of Trustees may direct. Such notice shall also state that any person able to establish ownership of any of the property to be sold may do so and have such property returned to him or her, but only after paying the sum of twenty-five dollars (\$25.00) to the Town Clerk to pay for advertising, plus any other expenses, including storage and cartage, which the Town has incurred.

(Prior code 3-4-2)

Sec. 1-7-30. Sale of property.

If the owner's claim is not made prior to the sale date, the Town Clerk shall ask for bids for each item to be sold. Bids may be submitted in writing in advance but will not be opened until the time of sale. Payment must be in cash or certified funds, and the property will be sold to the highest bidder. Any property not bid upon may be kept or disposed of by the Town as the Board of Trustees sees fit. All sales shall be final. The Town will have no responsibility for guarantee of title to any property sold hereunder.

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CHAPTER 2 Administration

ARTICLE I Elections

Sec. 2-1-10. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965. The Town may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election.

Sec. 2-1-20. Write-in candidate affidavit.

Pursuant to the provisions of Section 31-10-306, C.R.S., no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to sixty-four (64) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. In the event that the Town by ordinance determines to follow all or part of the Uniform Election Code, the deadline for filing affidavits for write-in candidates shall be as set forth in the Uniform Election Code.

(Prior code 1-9-1; Ord. 06-01 §1, 2006; Ord. No. 2020-08, § 2, 3-11-2020)

Sec. 2-1-30. Cancellation of election.

- (a) Pursuant to Section 31-10-507, C.R.S., if the only matter before the voters is the election of persons to office and if at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as required by Section 2-1-20 above, the Town Clerk shall certify such fact to the Board of Trustees and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected.
- (b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

(Prior code 1-9-2; Ord. 06-01 §1, 2006)

ARTICLE II Mayor and Board of Trustees

Sec. 2-2-10. Board of Trustees.

The Board of Trustees shall consist of six (6) Trustees and the Mayor. Trustees shall be elected to serve terms of four (4) years.

Sec. 2-2-20. Board of Trustees terms.

At the April 4, 1972 election, six (6) Trustees shall be elected. The three (3) candidates for Trustee receiving the highest number of votes shall be elected for four-year terms, and the three (3) candidates for Trustee receiving the next highest number of votes shall be elected for two-year terms. In the event of a tie, the decision shall be made by lot.

Sec. 2-2-30. Board of Trustees authority; qualifications.

- (a) Authority. The Board of Trustees shall constitute the legislative body of the Town, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.
- (b) Qualifications. Each Trustee shall be a resident of the Town and a registered elector therein. If any Trustee shall move from or become, during the term of his or her office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his or her office.

(Ord. 06-01 §1, 2006)

Sec. 2-2-40. Board of Trustees vacancies.

The Board of Trustees shall have power, by appointment, to fill all vacancies on the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. The Board of Trustees also has the power to fill a vacancy on the Board or in any other elective office of the Town by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and qualified. If a vacancy on the Board or in such other elective office is not filled by appointment or an election is not ordered within sixty (60) days after the vacancy occurs, the Board of Trustees shall order an election, subject to the Municipal Election Code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and qualified. Where a vacancy exists in the office of Trustee, and a successor is to be elected at the next election to fill the unexpired term, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year terms, and the candidate receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term.

Sec. 2-2-50. Mayor.

- (a) At the April 4, 1972 election, and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four-year term. The Mayor shall meet the same qualifications as a Trustee and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Trustee, as set forth in Section 2-2-40 above.
- (b) The Mayor shall preside over all meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town.
- (c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.
- (d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her.

(Prior code 1-5-1; Ord. 06-01 §1, 2006)

Sec. 2-2-60. Mayor Pro Tem.

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. In the absence of the Mayor from any meeting of the Board of Trustees, during the

absence of the Mayor from the Town or during the inability of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor.

Sec. 2-2-70. Acting Mayor.

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another Trustee to serve as acting Mayor during such absence or disability.

Sec. 2-2-80. Compensation.

- (a) The Mayor shall receive three hundred dollars (\$300.00) per month as compensation.
- (b) The Trustees shall each receive one hundred fifty dollars (\$150.00) per month as compensation.
- (c) The compensation paid to any member of the Board of Trustees, including the Mayor, shall not be increased or diminished for the term of office for which he or she has been elected or appointed. Any Mayor or Trustee who has resigned or vacated an office prior to the end of his or her elective or appointed term shall not be eligible to election or reappointment to the same during such term if the rate of compensation has been increased.

(Prior code 1-5-1; Ord. 06-01 §1, 2006)

Sec. 2-2-90. Regular meetings.

A regular meeting of the Board of Trustees shall be customarily held on the third Tuesday of each month at the Town Hall commencing at 6:00 p.m., except on legally recognized holidays, as needed and as a quorum may exist. However, in the event the Board of Trustees determines it is necessary to schedule a regular meeting at a different time or place, the Board shall provide notice to the public within twenty-four (24) hours of any proposed regular meeting, consistent with the Colorado Open Meetings Law, C.R.S. § 24-6-402 et seq. and consistent with Section 2-2-110 of this Chapter.

(Ord. No. 2023-06, § 1, 12-19-2023; Ord. No. 2024-01, § 1, 6-13-2024)

Sec. 2-2-100. Special meetings.

- (a) Any four (4) members of the Board of Trustees may call special meetings by written notice to each member of the Board of Trustees, personally served or left at the member's usual place of residence by the Town Clerk, at least forty-eight (48) hours in advance of the meeting.
- (b) The Board of Trustees at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the Board of Trustees not in attendance.
- (c) Should the Board of Trustees convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the Board of Trustees may, in its discretion, assess fees for the special meeting against the interested party. The Board of Trustees may, from time to time by resolution, adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the Town and the Town Attorney for time spent in preparation for attendance at special meetings.

(Ord. 06-01 §1, 2006)

Sec. 2-2-110. Place for posting notices.

- (a) In accordance with the Colorado Open Meetings Law, C.R.S. Section 24-6- 402(2)(c)(III), the Board of Trustees hereby designates the Town's official website: <https://townofblueriver.colorado.gov> as the official location where notices of Town meetings will be posted.
- (b) The Board of Trustees, by resolution adopted at the first meeting of each calendar year, shall either redesignate the above location or designate a new location for posting notices of meetings. If, in any calendar year, the Board of Trustees fails to adopt such resolution, the above-designated locations shall be deemed the designated location for such calendar year. The Board may designate another posting location anytime during a calendar year if such location is both authorized by the Colorado Open Meetings Law and is necessary to address exigent or unforeseen circumstances prohibiting the use of the designated posting location. In addition to the designated posting location, the Town may, at its discretion, also post notice at one (1) or more locations or in publications as a non-official courtesy notice.
- (c) Notices of public hearings, including but not limited to zoning of property or amendments to the Land Use Code, shall be posted at the Town's official posting location as well as any other posting location required by law.

(Prior code 1-5-4; Ord. 08-06 §1, 2008; Ord. 13-06 §1, 2013)

(Ord. No. 2023-06, § 1, 12-19-2023)

Sec. 2-2-120. Conduct of meetings; voting.

- (a) Meetings of the Board of Trustees shall be conducted by the Mayor, according to *Robert's Rules of Order, Revised*.
- (b) A majority shall constitute a quorum to do business at all meetings of the Board of Trustees, and each member, including the Mayor, shall vote upon every question put by the Chair unless allowed by the Board of Trustees to abstain. The Mayor shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of the Board of Trustees. Upon the taking of any vote, the Town Clerk shall record in the minutes the names of those voting and their votes.
- (c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the Town Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the Board of Trustees shall proceed with the business before it, in the manner and order as established by the Board of Trustees.

(Ord. 06-01 §1, 2006)

Sec. 2-2-130. Boards and commissions.

The Board of Trustees may create and appoint members to such boards and commissions as may now or hereafter exist, including, but not limited to, the following:

- (1) Planning and Zoning Commission.
- (2) Upper Blue River Regional Planning Commission.
- (3) Citizens Advisory Commission.
- (4) Open Space and Trails Committee.

(Ord. No. 2023-03, § 1, 6-20-2023)

Sec. 2-2-140. Board conduct with staff and contractors.

- (a) Neither the Town Board nor any member of the Board shall have authority to require or prohibit the hiring, promotion, discipline, suspension, transfer, or termination of any administrative staff person by the Town Manager.
- (b) Except for the purpose of making specific inquiries to obtain information, all members of the Board shall deal with administrative staff persons solely through the Town Manager or the Town Manager's designee and no member of the Town Board shall give orders or directions to any administrative staff person of the Town.
- (c) The Board shall not give orders or directions to a Town contractor. Board members seeking information related to the performance of a contractor shall direct requests solely through the Town Manager or the Town Manager's designee.
- (d) For purposes of this Section, "administrative staff person" shall mean all employees of the Town other than the Town Manager or Town Clerk. A "contractor" shall mean a company or a person other than administrative staff person performing services for the Town but shall not include the Town Attorney.

(Ord. No. 2024-04, § 2, 10-15-2024)

ARTICLE III Officers and Employees¹

Sec. 2-3-10. Appointed officers.

- (a) Offices and Officers. The following offices are created, and officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:
 - (1) Town Clerk/Town Treasurer;
 - (2) Town Attorney; and
 - (3) Municipal Judge.

The same individual may not hold more than one (1) appointed office.

- (b) At will employment. The appointment of an employee of the Town to serve as an officer shall not alter, modify, or amend in any manner the at will employment status for all employees of the Town.
- (c) Vacancies. The appointed officers shall hold their respective offices until the office is vacated due to resignation, termination in accordance with law, or other reason. Vacancies shall be filled by appointment by the Board of Trustees.
- (d) Oath of office. Each officer before entering upon the duties of his or her office, shall take and subscribe to an oath conforming to the requirements of, and in the form required by Section 24-12-101, C.R.S.
- (e) Duties. Appointed officers of the Town shall have such powers and perform such duties as are now or may be prescribed by state law and the ordinances, resolutions, and policies of the Town, shall perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of a majority of the Board of Trustees.

¹Editor's note(s)—Ord. No. 2022-01, § 1, adopted Aug. 16, 2022, repealed the former Art. III, §§ 2-3-10—2-3-70, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from the prior Code; Ord. 06-01, adopted 2006; Ord. 06-07, adopted 2006; Ord. 13-05, adopted 2013; Ord. No. 19-01, adopted 6-18-2019.

- (f) Supervision by Board. The appointed officers of the Town shall take direction from, and report to, the Board of Trustees. The Board of Trustees shall retain all right of hiring, promotion, discipline, suspension, or termination of any appointed officer unless such authority is delegated to the Town Manager.
- (g) Residency. In recognition of the potential lack of sufficient housing opportunities within the Town, the Town Board waives any statutory obligation that officers of the Town reside within the limits of the Town.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-20. Town Clerk/Town Treasurer.

- (a) Appointment. In accordance with Section 31-4-304, C.R.S., the Town Board shall appoint a Town Clerk and a Town Treasurer. Such positions may be vested in the same individual bearing the title of "Town Clerk" unless otherwise determined by the Board of Trustees.
- (b) Meeting attendance. The Town Clerk shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the Board.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-30. Town Attorney.

- (a) Appointment. The Town Attorney shall be appointed by a majority of the Board of Trustees. Such position may be a part-time or full-time employment position or a contract position.
- (b) Dismissal. The Town Board may, as a condition of any employment or retainer agreement, specify the conditions and process under which the Town Attorney may be removed from office which may include a requirement that the attorney serve at will without right of charge or hearing prior to removal notwithstanding Section 31-4-307, C.R.S..
- (c) Duties. The Town Attorney shall perform the following duties:
 - (1) Act as legal advisor to, and be attorney and counsel for, the Board of Trustees and be responsible solely to the Board of Trustees. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Town Manager or Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her.
 - (2) Prosecute ordinance violations and conduct for the Town cases in Municipal Court.
 - (3) Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and promptly give his or her opinion to the legal consequences thereof.
 - (4) Call to the attention of the Board of Trustees all matters of law, and changes or developments in the law, affecting the Town.
 - (5) Perform such other duties as may be prescribed for him or her by the Board of Trustees.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-40. Municipal Judge.

- (a) Appointment and term. The Town Board shall appoint a Municipal Judge to preside over the Municipal Court. The Municipal Judge may be a part-time employee of the Town or a contractor.

- (1) Pre-existing employment as of effective date. An employee serving as the Municipal Judge prior to the effective date of this Section without a defined or specified term of office shall continue employment until removal or resignation.
- (2) Appointment following effective date. For any appointment of a Municipal Judge following the effective date of this Section, appointment and the position of employment or contract shall be for a term of two (2) years commencing on the date of appointment. Upon expiration of a term, the appointment shall continue for a subsequent two (2) year term unless the Town provides written notice to the appointed Municipal Judge of the Town's election to allow the term to expire and not to reappoint or extend the employment or contract of the Municipal Judge. Such notice shall be provided to the Municipal Judge not less than sixty (60) days prior to the date of the expiration of the term. Expiration of the term following timely notice and the resulting termination of employment shall not be deemed removal pursuant to Section 13-10-105, C.R.S.
- (b) Associate judges. The Town Board may appoint one (1) or more associate municipal judges for designated terms established in writing to serve in the temporary absence of the Municipal Judge. An associate judge may be a part-time employee of the Town or a contractor. Appointment and the position of employment or contract shall be for any length of term as determined by the Board of Trustees. Upon expiration of a term, the appointment shall continue for a subsequent term unless the Town provides to the appointed associate municipal judge written notice of election to terminate not less than thirty (30) days prior to the date of termination. Expiration of the term following timely notice and the resulting termination shall not be deemed removal pursuant to Section 13-10-105, C.R.S.
- (c) Qualifications. Any person appointed to the office of Municipal Judge or associate municipal judge shall have been admitted to and shall be at the time of his or her appointment and at all times during his or her tenure of office, licensed in the practice of law in the State of Colorado.
- (d) Compensation. The Municipal Judge and any associate municipal judge shall receive a salary or hourly wage established by the Board of Trustees.
- (e) Duties of Municipal Judge. The Municipal Judge and, in the absence of the Municipal Judge, any associate municipal judge shall supervise and direct the Municipal Court's operation and shall perform no other duties during the hours when court is in session except as may be approved by the Board of Trustees.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-50. Removal of appointed officer.

- (a) Removal of Town Clerk or Town Attorney. By a majority vote of all members of the Board of Trustees, the Town Clerk and Town Attorney may be removed from office. Pursuant to Section 31-4-307, C.R.S., no removal shall be made without a charge in writing and an opportunity of hearing unless a charge and hearing is waived by the Town Clerk or Town Attorney.
- (b) Waiver and at will positions. The Town Board may, as a condition of employment or contract, require the Town Clerk or Town Attorney to waive any requirement for a charge in writing and hearing as a condition of termination as provided by Section 31-4-307, C.R.S. The offices of Town Clerk and Town Attorney shall be established as at will offices and positions.
- (c) Removal of Municipal Judge or associate judge. A Municipal Judge or associate municipal judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-60. Town Manager.

- (a) Town Manager generally. The Board of Trustees shall have the authority to hire a Town Manager and set the terms and conditions of the position by an employment contract.
- (b) Responsibilities and general authority. The Town Manager shall be the chief administrative officer of the Town. To that end, the Town Manager shall have full and complete authority to carry out the administrative affairs of the Town and to implement the legislative policies, ordinances, resolutions and directives of the Town Board subject only to any specific directions of a majority of the Town Board and any ordinances, resolutions, or employment agreement between the Town and the Town Manager.

The Town Board may, as a condition of the employment of a Town Manager whose duties also include appointment and service as the Town Clerk, require that the dismissal, termination, or resignation of the Town Manager shall also terminate the Manager's position as Town Clerk.

- (c) Specific authority. Without limiting the foregoing general authority and subject to the limitations on authority provided by subsection (d) below, the Town Manager shall be specifically authorized to exercise the following authority without prior Town Board approval:
 - (1) Contract authority. To execute on behalf of the Town all contracts (regardless of title but excluding contracts referenced in subsection (c) below) for goods and services, provided that sufficient funds have been budgeted and appropriated by the Board and the contract does not exceed a total of fifty thousand dollars (\$50,000.00), including any potential authorized extensions.
 - (2) Emergency contracting. During an emergency and unless otherwise restricted by the Town Board, to incur financial obligations and execute contracts and agreements on behalf of the Town for expenditures that shall not exceed the Town's total restricted and unassigned funds that are not otherwise committed to another purpose by law or contract. The City Manager shall immediately notify the Town Board of any financial obligations entered into under this emergency authority. For purposes of this paragraph, an emergency shall be a situation involving or threatening the health and safety of persons or the imminent damage or destruction of property. By way of examples of emergencies only and not as a limitation, an emergency may include road or bridge collapse; flood or high wind event; or disaster involving aircraft crash, act of terrorism or hazardous material spill.
 - (3) Local emergency declaration. The City Manager, as Principal Executive Officer pursuant to state law, shall have the power to declare that a state of disaster exists when he or she is of the opinion that a disaster or extraordinary emergency has occurred or the threat of such event is imminent. The issuance of a declaration of disaster or emergency shall automatically empower the City Manager to exercise all disaster and emergency powers permitted by state and local law.
 - (4) Annual budgeting. To prepare or cause to be prepared for presentation and consideration by the Board an annual budget for the Town, its authorities, agencies, and other entities.
 - (5) Supervision of employees. To employ, direct, supervise, discipline, and discharge all employees and to establish compensation for all employees subject to funding provided by the Board through the annual budget.
 - (6) Financial affairs and accounting. To approve and process all documentation and tasks necessary to conduct the financial affairs of the Town, including but not limited to all operations associated with banking and investment of Town funds and preparing and filing of financial reports and statements. To manage, approve and authorize the execution and distribution of accounts receivable, accounts payable and payroll, provided that sufficient funds are budgeted and appropriated.

- (7) Administrative policies. To promulgate all administrative policies, including but not limited to policies for financial, tax, licensing, recordkeeping, personnel and purchasing administration, consistent with all federal, state and local laws.
- (d) Limitations on authority. Unless specifically authorized by ordinance or resolution, the Town Manager shall not be authorized to:
 - (1) Intergovernmental agreements. Execute intergovernmental agreements, memoranda of understanding or other forms of contracts with other governments, governmental agencies, special districts or political subdivisions unless specifically authorized by ordinance or resolution of the Town Board.
 - (2) Special services and franchises. Execute agreements or contracts for judicial or legal services or execute franchise agreements.
 - (3) Real property. Sell or convey Town-owned real property.
 - (4) Mill levy. Certify the mill levy for the Town or any Town-operated authority or agency.
 - (5) Legislative power. Exercise legislative power unless specifically delegated by the Town Board as may be permitted by law.
- (e) Supervision. The Town Manager shall take direction from, and report to, the Board of Trustees. Town Board members may make suggestions, recommendation, and provide other advice to the Town Manager provided that the Manager retains discretion to direct the administrative needs of the Town in accordance with Town ordinances, resolutions, policies, and law and in accordance with specific instruction by a majority of the Town Board.
- (f) Attendance obligation. The Town Manager, or in the absence of the Manager, a designee of the Town Manager, shall attend all special and regular Town Board meetings to provide input on any matters he or she deems essential to the operations of the Town. The Town Manager is invited to participate in any discussions before the Town Board but shall not have the authority to cast a vote in any matter before the Town Board.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-70. Chief of Police.

- (a) The Town shall employ a qualified individual to serve as the Chief of Police. The Chief of Police shall be an employee of the Town and not an appointed officer. Any state statutory authority authorizing the Chief of Police to hire certified peace officers shall be subject to the prior consent and express approval of the Town Manager.
- (b) For purposes of the Town Manager's supervision of the Chief of Police, the Chief of Police shall be deemed a key employee of the Town. As a key employee, the Town Manager shall not take a final adverse employment action (termination, suspension, or discipline) until the Manager first consults with the Mayor and either the Mayor pro tem or one (1) other member of the Board of Trustees or the entire Board of Trustees.

(Ord. No. 2022-01, § 1, 8-16-2022)

Sec. 2-3-80. Reserved.

Editor's note(s)—Ord. No. 2024-04, § 1, adopted Oct. 15, 2024, repealed § 2-3-80, which pertained to relationship of town board to administrative service and derived from Ord. No. 2022-01, § 1, adopted Aug. 16, 2022.

ARTICLE IV Municipal Court

Sec. 2-4-10. Creation of Municipal Court.

- (a) A Municipal Court in and for the Town is hereby created and established pursuant to and governed by the provisions of state law.
- (b) The Municipal Court shall be a qualified municipal court of record, and the presiding Municipal Judge shall provide for the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means.

(Prior codes 1-8-1, 1-8-7; Ord. 06-01 §1, 2006)

Sec. 2-4-20. Jurisdiction and powers.

- (a) The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by law, ordinance or court rule. (See also Section 2-4-140.) It shall have the power to assess court costs as provided in Section 2-4-140 of this Chapter in addition to any fines or penalties for any plea entered in the designated courtroom.
- (b) It shall have the power to enforce subpoenas issued by any board, commission, hearing officer or other body or officer of the Town authorized by law or ordinance to issue subpoenas. It shall have authority to issue protection orders to prevent domestic abuse, whether or not such relief could be obtained in a domestic relations action filed in a district court.

(Prior code 1-8-2; Ord. 06-01 §1, 2006)

Sec. 2-4-30. Reserved.

Editor's note(s)—Ord. No. 2022-01, § 2, adopted Aug. 16, 2022, repealed the former § 2-4-30. The former § 2-4-30 pertained to appointment of municipal judge and derived from the prior Code; Ord. 06-01, adopted 2006; Ord. 06-04, adopted 2006.

Sec. 2-4-40. Reserved.

Editor's note(s)—Ord. No. 2022-01, § 2, adopted Aug. 16, 2022, repealed the former § 2-4-40. The former § 2-4-40 pertained to qualifications of municipal judge and derived from the prior Code.

Sec. 2-4-50. Reserved.

Editor's note(s)—Ord. No. 2022-01, § 2, adopted Aug. 16, 2022, repealed the former § 2-4-50. The former § 2-4-50 pertained to oath and bond and derived from the prior Code.

Sec. 2-4-60. Reserved.

Editor's note(s)—Ord. No. 2022-01, § 2, adopted Aug. 16, 2022, repealed the former § 2-4-60. The former § 2-4-60 pertained to compensation of judge and derived from the prior Code; Ord. 08-01, adopted 2008.

Sec. 2-4-70. Reserved.

Editor's note(s)—Ord. No. 2022-01, § 2, adopted Aug. 16, 2022, repealed the former § 2-4-70. The former § 2-4-70 pertained to duties of judge and derived from the prior Code.

Sec. 2-4-80. Reserved.

Editor's note(s)—Ord. No. 2022-01, § 2, adopted Aug. 16, 2022, repealed the former § 2-4-80. The former § 2-4-80 pertained to additional judges and derived from the prior Code; Ord. 06-01, adopted 2006.

Sec. 2-4-90. Court Clerk.

- (a) Appointment. The presiding Municipal Judge, after approval by the Board of Trustees, may appoint a person to serve as Court Clerk whose duties shall be those designated by law, by court rule or by the presiding Municipal Judge. The Municipal Judge may also act as Court Clerk in accordance with state statutes.
- (b) Salary and bond.
 - (1) The compensation of the Clerk shall be an annual salary of seven thousand two hundred dollars (\$7,200.00), which shall be payable monthly effective as of July 1, 2007.
 - (2) The Court Clerk shall post a bond as required in Section 2-3-30 of this Chapter.
- (c) Monies collected. The Court Clerk shall file monthly reports with the Town Clerk of all monies collected, either by fines or otherwise, and shall, on the last day of each month, pay to the Town Treasurer all such monies.

(Prior code 1-8-4; Ord. 06-01 §1, 2006; Ord. 08-01 §2, 2008; Ord. 08-04 §1, 2008)

Sec. 2-4-100. Sessions generally.

- (a) There shall be regular sessions of the Municipal Court for the arraignment of defendants, the trial of cases and such other matters and proceedings as the business of the Court may require. Such sessions shall be conducted no less frequently than once per month and shall be open to the public.
- (b) The Municipal Court shall be open during such hours as are set by the presiding Municipal Judge with the advice and consent of the Board of Trustees; provided, however, that the Court shall be closed on weekends and local, state and national holidays, except for extraordinary sessions.
- (c) Suitable court facilities cannot be provided within the Town; therefore, the presiding Municipal Judge may establish by court rule such facilities at any location within the County which may be in reasonable proximity to the Town.
- (d) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared.

(Prior code 1-8-6; Ord. 06-01 §1, 2006)

Sec. 2-4-110. Rules of procedure.

The procedures of the Municipal Court shall be in accordance with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. In addition to other powers, the presiding Municipal Judge shall have full power and authority to issue local rules of procedure and regulations for conducting the business of the Municipal Court not inconsistent with any rules of procedure adopted by the Colorado Supreme Court.

Sec. 2-4-120. Failure of person to respond to process.

- (a) In all cases where a person is summoned as a juror or as a witness to the Municipal Court and fails to attend at the time and place appointed, the Municipal Court may issue a citation for the appearance of such juror or

witness so failing to attend and direct such person to show cause why he or she should not be punished for contempt of court. Upon a satisfactory excuse being made, the Municipal Court may discharge such person and release any bond posted pursuant thereto.

- (b) In all cases where a person is summoned to appear at the Municipal Court or ordered to appear by the Municipal Judge, it is unlawful for such person to fail to appear at the time and place so ordered.

(Prior code 1-8-9)

Sec. 2-4-130. Contempt power.

The Municipal Court shall have power to compel attendance at sessions of court and to punish contempt of court by fine. When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed two thousand seven hundred dollars (\$2,700.00), as adjusted for inflation on January 1, 2018, and on January 1 of each year thereafter. In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial.

Sec. 2-4-140. Court costs.

- (a) The Municipal Court is hereby authorized to increase court costs charged to defendants found guilty after trial or plea to up to one hundred dollars (\$100.00) in the Court's sole discretion.
- (b) The Municipal Court is hereby authorized to make any adjustments or increases in fines assessed against defendants found guilty to such amounts approved by the presiding Municipal Judge in accordance with state law.
- (c) Nothing contained herein shall deprive the Municipal Judge of the authority to permit defendants to perform labor and service for the Town in lieu of paying all or part of the fines and costs imposed, under such terms and conditions as the Municipal Judge shall require; provided, however, that no defendant shall be ordered or required to participate in any work program. Instead, such work program alternative may be granted by the Municipal Judge only upon a defendant's voluntarily requesting participation therein.

(Prior codes 1-4-4, 1-8-8)

Sec. 2-4-150. Appeals.

Appeals from the Municipal Court shall be in accordance with the practice and procedure provided by Section 13-10-116 et seq., C.R.S.

Sec. 2-4-160. Appropriations.

The Board of Trustees shall annually appropriate an amount sufficient to pay salaries and expenses incurred in connection with carrying out the provisions of this Chapter.

ARTICLE V Public Records²

Sec. 2-5-10. Policy.

- (a) It is the policy of the Town that public records shall be open for inspection at reasonable times in accordance with the requirements of the Colorado Open Records Act, Part 2, Article 72, Title 24, C.R.S. ("CORA"), and in accordance with a Town CORA Policy to be adopted by the Town's custodian of records.
- (b) The Town Clerk shall adopt, promulgate and publish on the Town's website a Town CORA Policy that addresses at a minimum timeframes, fees and availability of public records for inspection in conformity with the requirements of CORA.

(Ord. No. 2020-13, § 1, 7-21-2020)

Sec. 2-5-20. Custody; inspection.

The Town Clerk is the custodian of all records which are maintained by the Town.

(Ord. No. 2020-13, § 1, 7-21-2020)

ARTICLE VI Planning and Zoning Commission³

Sec. 2-6-10. Establishment and purposes.

- (a) There is hereby established a Planning and Zoning Commission for the Town.
- (b) The purposes of the Planning and Zoning Commission are as follows:
 - (1) To serve as the municipal planning commission in accordance with Article 23, Title 31, C.R.S.
 - (2) To serve as the municipal zoning commission in accordance with Section 31-23-306, C.R.S.
 - (3) To serve as the board of appeal or board of review as may be contemplated or required by any Town-adopted building or safety code.

(Ord. No. 2020-09, § 1, 8-18-2020; Ord. No. 2023-03, § 1, 6-20-2023)

Sec. 2-6-20. Definitions.

Certain terms as used in this Chapter are defined in this Section.

Commission means the Planning and Zoning Commission of the Town.

(Ord. No. 2020-09, § 1, 8-18-2020)

²Editor's note(s)—Ord. No. 2020-13, § 1, adopted July 21, 2020, repealed former Art. V, §§ 2-5-10—2-5-50, and enacted a new Art. V, §§ 2-5-10 and 2-5-20, as set out herein. The former article pertained to similar subject matter and derived from the prior code, §§ 1-10-1—1-10-4; and Ord. 06-01, § 1, adopted 2006.

³Editor's note(s)—Ord. No. 2020-09, § 1, adopted August 18, 2020, repealed former Art. VI, §§ 2-6-10—2-6-120, and enacted a new Art. VI, §§ 2-6-10—2-6-90, as set out herein. The former article pertained to similar subject matter and derived from Ord. 05-01, §§ 1, 2, adopted 2005; and Ord. 05-05, § 2, adopted 2005.

Sec. 2-6-30. Membership and board liaison.

- (a) The Planning and Zoning Commission shall be comprised of seven (7) members. Members shall be selected by the Board of Trustees pursuant to a selection method deemed acceptable by a majority of the Board. In accordance with Section 31-23-203(2), C.R.S., all members of the Planning and Zoning Commission shall be bona fide residents of the Town and, if any member ceases to reside in the Town, his or her membership on the Commission shall automatically terminate and a vacancy shall be declared.
- (b) The Board of Trustees may appoint a trustee to serve as a non-voting liaison to the Planning and Zoning Commission. Although not a member of the Commission, the liaison may participate in the consideration of any and all matters pending before the Commission and shall provide input and direction concerning Town policies and regulations. The term of such liaison appointment and the removal of the liaison shall be subject to the discretion of the Board of Trustees provided that an appointment shall automatically expire upon the expiration of the Board office of the appointed trustee. The Board of Trustees may remove a liaison, appoint a new liaison, or otherwise direct the liaison in the performance of the liaison's duties at the Board's discretion.

(Ord. No. 2020-09, § 1, 8-18-2020)

Sec. 2-6-40. Terms.

- (a) Except for the initial resetting of terms to create staggered terms of members as provided in subsection (b) below and except for terms resulting from the filling of a vacancy as provided in Section 2-6-50(d), each member of the Commission shall be appointed to serve a term of four (4) years. Such term shall commence on January 1 of a year and shall terminate on the December 31 immediately preceding the fourth anniversary of the date of the commencement of the appointment.
- (b) On December 31, 2020, the Planning and Zoning Commission shall be reorganized in order that the Board of Trustees may create staggered terms through the reappointment of former members and/or the appointment of new members to the Commission. In November or December of 2020, the Board of Trustees shall select and appoint: (i) three (3) members to each serve a two-year term commencing January 1, 2021, and terminating on December 31, 2022; and (ii) four (4) members to each serve a four-year term commencing January 1, 2021 and terminating on December 31, 2024. Upon the termination of these initial terms, all future appointed members shall serve a four-year term as provided in subsection (a) above.

In order to fill the initial terms of the reorganized Planning and Zoning Commission described in (b) above which terms commence on January 1, 2021:

- (1) The Board shall retain and reappoint the three (3) current members who will not have fully served their currently appointed terms of office as of December 31, 2020. Each of the three (3) current members shall be appointed to new two-year terms commencing January 1, 2021 and terminating on December 31, 2022. In the event that a current member who will not have fully served their currently appointed terms of office as of December 31, 2020 is not interested in reappointment, the Board shall appoint a person to serve the two-year term in the same manner as four-year terms provided in (3) below; and
- (2) The Board shall encourage current members whose terms are scheduled to expire on December 31, 2020, to reapply for the Commission and, in addition, the Board shall cause the openings of positions on the Planning and Zoning Commission to be publicly advertised in order to solicit possible interest in service from the general public; and
- (3) From a pool of applicants that includes interested current members whose terms expire on December 31, 2020, and any other qualified applicants for the Commission, the Board shall appoint four (4) persons to serve four-year terms, such terms commencing on January 1, 2021; and, in addition, the

Board shall appoint persons to fill any positions not accepted by an existing member pursuant to (1) above.

- (c) No member may serve more than two (2) consecutive terms. A "term" shall include: (i) a four-year term; (ii) a two-year term as provided in subsection (b) above; (iii) a partial term that created a vacancy as provided in Section 2-6-50(b); (iv) a partial term served through the filling of a vacancy provided by Section 2-6-50(d); and (v) any term or portion of a term served by a member during the period of January 1, 2015 and December 31, 2020. A member having served two (2) consecutive terms shall not be eligible for a new appointment to the Commission for two (2) years following the last date of service on the Commission. Notwithstanding the forgoing, the Board of Trustees may reappoint a member to a third consecutive term where the Board determines that there are no other candidates deemed eligible and qualified by the Board for service on the Commission.

(Ord. No. 2020-09, § 1, 8-18-2020)

Sec. 2-6-50. Vacancies and removal.

- (a) Membership on the Commission is deemed at-will and a member of the Commission may be removed by the Board of Trustees for any or no reason.
- (b) A vacancy on the Planning and Zoning Commission shall occur whenever a member of the Commission is removed by the Board of Trustees, dies, resigns, becomes incapacitated or is otherwise unable or unwilling to perform his or her duties for a period of ninety (90) days, or ceases to reside within the Town.
- (c) A member's failure to attend three (3) or more Commission meetings during a twelve-month period shall be reported to the Board of Trustees by the Commission Chairperson.
- (d) In the event a vacancy occurs, the Board of Trustees shall appoint a successor to fill the vacancy and serve the remainder of the term of the former member.

(Ord. No. 2020-09, § 1, 8-18-2020)

Sec. 2-6-60. Organization.

The Commission shall select its own Chairperson and a Vice Chairperson from among its members. The Chairperson or, in his or her absence, the Vice Chairperson shall be the presiding officer of all Commission meetings. In the absence of both the Chairperson and the Vice Chairperson from a meeting, the members present shall appoint a member to serve as acting Chairperson at the meeting.

(Ord. No. 2020-09, § 1, 8-18-2020)

Sec. 2-6-70. Meeting location.

All meetings of the Planning and Zoning Commission shall be held at the Blue River Town Hall unless otherwise approved by the Town Manager.

(Ord. No. 2020-09, § 1, 8-18-2020)

Sec. 2-6-80. Duties of the Commission.

The Planning and Zoning Commission shall have the following functions and duties:

- (1) To make and recommend to the Board of Trustees plans for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the legislative or governing body having jurisdiction thereof, which in the Commission's judgment relate to the planning of the Town.

- (2) To make recommendations to the Board of Trustees or to render final decisions on such matters delegated to the Planning and Zoning Commission by Chapters 16, 16A, 16B, 16C (Zoning and Land Development), 17 (Subdivision), and 18 (Building Code) of this Municipal Code.
- (3) To review and recommend to the Board of Trustees desirable or necessary modifications to Chapters 16, 16A, 16B, 16C, 17, and 18 of this Municipal Code.
- (4) To hear and decide appeals from decisions of the Building Official pursuant to Chapter 18 of this Municipal Code.
- (5) To consider any other matters pertaining to the Commission as provided by law, resolution, or ordinance, to act in an advisory capacity to the Board of Trustees when so requested, and to perform all other powers and duties authorized and required by ordinance or state law.

(Ord. No. 2020-09, § 1, 8-18-2020; Ord. No. 2023-03, § 1, 6-20-2023)

Sec. 2-6-90. Authority to promulgate bylaws and forms.

- (a) The Commission is authorized to promulgate and approve bylaws to govern the Commission's performance of its duties and the conduct of Commission meetings. Bylaws shall not conflict with any provisions of the Municipal Code and shall be subject to review and comment by the Town Manager and Town Attorney prior to promulgation for the purpose of ensuring conformance with applicable laws, policies, and practices of the Town. A copy of any promulgated bylaws and any bylaw amendment shall be promptly provided to the Board of Trustees after Commission approval and the Board may, at its discretion and after consultation with the Commission Chairperson, repeal, modify, or amend the bylaws.
- (b) In consultation with the Town Manager, the Commission may promulgate forms, checklists, and other materials deemed reasonably necessary by the Commission to administer, implement and supplement the purposes, powers, and duties assigned or delegated to the Commission by this Municipal Code. Such forms shall not modify, alter, amend, or repeal any provision of this Municipal Code. A copy of any promulgated form shall be promptly provided to the Board of Trustees after Commission approval and the Board may, at its discretion and after consultation with the Commission Chairperson, repeal, modify, or amend the form.

(Ord. No. 2020-09, § 1, 8-18-2020)

Sec. 2-6-100. Effective date of Planning and Zoning Commission decision.

- (a) Recommendations and advisory decisions. Recommendations or advisory decisions of the Planning and Zoning Commission that are subject to later consideration or review and a final decision by the Board of Trustees in accordance with the Municipal Code shall be effective at the time of the recommendation or decision.
- (b) Final decisions. Decisions of the Planning and Zoning Commission concerning an application for development or improvement of property which decision is final and subject to appeal to the Board of Trustees in accordance with the Municipal Code shall be deemed effective six (6) days following the date of the decision provided that no appeal is submitted pursuant to Section 2-6-110. During such six-day period, no building or other permit or authorization concerning the development or improvements that are the subject of the Commission's decision shall be issued by the Town and, if issued in error, shall not be effective and may be revoked.
- (c) Zoning variances. Decisions of the Planning and Zoning Commission concerning an application for variance as provided by Article 11 of Chapter 16 (zoning variances) shall be effective immediately upon execution of a Commission Resolution granting or denying the variance and shall not be subject to an appeal as provided by Section 2-6-110. Appeals of a zoning variance decision shall be available in accordance with state law.

(Ord. No. 2021-05, § 1, 2-16-2021)

Sec. 2-6-110. Reserved.

Editor's note(s)—Ord. No. 2023-03, § 1, adopted June 20, 2023, repealed § 2-6-110, which pertained to appeal of final planning and zoning commission decision and derived from Ord. No. 2021-05, § 1, adopted Feb. 16, 2021.

ARTICLE VII Upper Blue River Regional Planning Commission

Sec. 2-7-10. Creation; rules adopted.

The Board of Trustees hereby adopts a plan to cooperate with other political subdivisions in the creation of the Upper Blue River Regional Planning Commission as provided for in Title 30, Article 28, C.R.S., and further adopts the recommended rules, regulations, plan of organization and operation of the Upper Blue River Regional Planning Commission as set forth in the "Rules of Association" adopted by the official representatives of the County and towns cooperating in the organization of the Upper Blue River Regional Planning Commission, dated July 22, 1969, and the amendments thereto, which by reference thereto is hereby expressly made a part of this Chapter.

Sec. 2-7-20. Commission members from Town.

The membership from the Town shall consist of one (1) member and one (1) alternate appointed by the Mayor.

Sec. 2-7-30. Powers and duties.

The Upper Blue River Regional Planning Commission shall have the function, powers and duties which are prescribed by law.

ARTICLE 8 Board of Adjustment

Sec. 2-8-10. Creation; membership.

As required by and in accordance with Section 31-23-307 C.R.S., the Town hereby creates a Board of Adjustment. The Board of Adjustment shall consist of seven (7) members. Members of the Board of Adjustment shall be the elected members of the Board of Trustees.

(Ord. No. 2023-03, § 5, 6-20-2023)

Sec. 2-8-20. Voting.

General decisions of the Board of Adjustment shall require a vote of a majority of the quorum of the Board. Matters subject to another voting standard, such as a decision to hold an executive session, shall meet the voting standard set by state law.

(Ord. No. 2023-03, § 5, 6-20-2023)

Sec. 2-8-30. Meetings and hearings.

Meetings and hearings of the Board of Adjustment may be scheduled by either the Board of Adjustment or by the Board of Trustees. Meetings and hearings may, at the direction of the Board of Trustees, be held during a

meeting of the Board of Trustees and the agenda for the meeting of the Board of Trustees may reference that the Board of Adjustment will consider specific matter.

(Ord. No. 2023-03, § 5, 6-20-2023)

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CHAPTER 4 Revenue and Finance

ARTICLE I Fiscal Year

Sec. 4-1-10. Fiscal year established.

The fiscal year of the Town shall commence on January 1 of each year and shall extend through December 31 of the same year.

ARTICLE II General and Special Funds

Sec. 4-2-10. Custody and management of funds.

Moneys in the funds created in this Chapter shall be in the custody of and managed by the Town Treasurer. The Town Treasurer shall maintain accounting records and account for all of said moneys as provided by law. Moneys in the funds of the Town shall be invested or deposited by the Town Treasurer in accordance with the provisions of law. All income from the assets of any fund shall become a part of the fund from which derived and shall be used for the purpose for which such fund was created; provided that, except as otherwise provided in this Code or by other ordinances or laws, the Board of Trustees may transfer out of any fund any amount at any time to be used for such purpose as the Board of Trustees may direct.

Sec. 4-2-20. General Fund created.

There is hereby created a fund, to be known as the General Fund, which shall consist of the following:

- (1) All cash balances of the Town not specifically belonging to any existing special fund of the Town.
- (2) All fixed assets of the Town (to be separately designated in an account known as the General Fund Fixed Assets) not specifically belonging to any existing special fund of the Town.

Sec. 4-2-30. Capital Improvement Fund created.

There is hereby created a special fund, to be known as the Capital Improvement Fund, and the funds therein shall be used only for the purposes allowed by law.

Sec. 4-2-40. Conservation Trust Fund created.

There is hereby created a separate fund, to be known as the Conservation Trust Fund. The funds therein shall be used only in accordance with state law and appropriate action by the Board of Trustees.

ARTICLE III Accommodation Tax

Sec. 4-3-10. Legislative intent.

It is declared to be the legislative intent of the Board of Trustees that, on or after January 1, 2011, every person who, for consideration, leases or rents any room, dwelling unit or other accommodation located in the Town shall pay, and every person who furnishes for leasing or rental any such accommodation shall collect, the tax imposed by this Article.

Sec. 4-3-20. Application of tax.

The tax herein imposed shall apply to the leasing or rental of any room or other accommodation in any condominium, dwelling unit, guesthouse or any similar place which any person, for a consideration, uses or possesses or has the right to use or possess for a duration of less than thirty (30) days. As used herein, *person* means and includes any individual, firm, copartnership, joint venture, corporation, society, club, association, joint stock company, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity; whether appointed by court or otherwise, or any group or combination acting as a unit, including the United States of America, the State and any political subdivision thereof; and the plural as well as the singular in number.

Sec. 4-3-30. Imposition and rate of tax.

On and after January 1, 2011, there is levied, and shall be paid and collected, an excise tax of three and four tenths percent (3.4%) on the price paid for the leasing and rental of any room, dwelling unit or other accommodation located in the Town.

Sec. 4-3-40. Payment and collection required.

It shall be a violation of this Article for any lessee of a room, dwelling unit or other accommodation located in the Town to fail to pay, or for any lessor of such accommodation to fail to collect, the tax levied by this Article.

Sec. 4-3-50. Recordkeeping.

The Town Clerk may require any person to make such return, render such statement or keep and furnish such records as the Town Clerk may deem sufficient and reasonable to show whether or not such person is liable under this Article for the payment or collection of the tax imposed in this Article.

Sec. 4-3-60. Investigation of books.

For the purpose of ascertaining the correctness of a return, or for the purpose of determining the amount of tax due from any taxpayer, the Town Clerk may hold investigations and hearings concerning any matters covered by this Article and may examine any relevant books, papers, records, or memoranda of any such person, requiring the attendance of such taxpayer, or of any such person having knowledge, and taking such testimony and proof as may be necessary to properly ascertain any tax liability. The Town Clerk shall have the power to administer oaths to any person in the course of such investigations or hearings. Production of documents and attendance of witnesses shall be requested by the Town Clerk on his or her own motion or on motion of any party; any request for production or attendance shall inform persons that compliance is voluntary but that, if the request is not complied with, the Town Clerk may apply to the Municipal Judge for issuance of a subpoena.

Sec. 4-3-70. Judge compels attendance.

The Municipal Judge, upon the application of the Town Clerk or Town Attorney, may compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Town Clerk or Town Attorney or any of his or her duly authorized agents, by the issuance and enforcement of subpoenas in the same manner as production of evidence may be compelled before the Court.

Sec. 4-3-80. Tax information confidential.

- (a) Except in accordance with judicial order, or as otherwise provided in this Article, the Town shall not divulge any information

gained from any return filed or as a result of any investigation or hearing held pursuant to the provisions of this Article.

- (b) Nothing contained in this Section shall be construed to prohibit:
- (1) The delivery to a person, or to his or her duly authorized representative, of a copy of any return filed in connection with his or her tax;
 - (2) The publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof;
 - (3) The inspection by the Town Attorney, or any other legal representative of the Town, of the return or other information relating to any taxpayer who may become involved in litigation with the Town in which the information may become material.
- (c) Reports and returns shall be preserved for three (3) years and thereafter until the Town Clerk shall order them destroyed.

(Ord. 10-05 §1, 2010)

Sec. 4-3-90. Licensee - remittance.

Every person who has a duty to collect the tax imposed in this Article must obtain, without charge, a license to collect the tax, and must report on forms prescribed by the Town Clerk such taxes and remit to the Town the collected taxes on or before the twentieth day of the month for the preceding month or months under report.

Sec. 4-3-100. Interest penalties.

If remittances and reports are not received on the due dates specified in Section 4-3-90, a penalty shall be imposed in the amount of ten percent (10%) of the tax liability, and the total amount due, including tax and penalty, will bear interest at the rate of one and one-half percent (1.5%) per month or fraction thereof until such reports and remittances are received by the Town Clerk.

Sec. 4-3-110. Violations, penalty.

Any person violating any of the provisions of this Chapter shall be deemed to have committed a violation hereof for each and every day during which any violation is committed, continued or permitted and shall be subject to the penalties contained in Section 1-4-20 of this Code.

Sec. 4-3-120. Estimated tax assessment for nonpayment.

If a taxpayer obligated to collect or to remit any tax in accordance with this Article neglects or refuses to make a return as required by this Article or otherwise fails to pay any accommodation tax as required by this Article, the Town Clerk shall make an estimate of the amount of taxes due for the period for which the taxpayer is delinquent. Such estimate may be based on the average accommodation tax paid by other taxpayers to the Town or be based on another method reasonably determined by the Town Clerk to approximate the taxes owed. The Town Clerk shall provide written notice to the taxpayer of the estimate and any penalty and interest imposed pursuant to Section 4-3-100 and the notice shall inform the taxpayer of the right of appeal and the time limit for filing an appeal. The Town Clerk shall either hand deliver the notice or mail the estimated tax assessment notice to the taxpayer by certified mail addressed to the last known address of the taxpayer.

(Ord. No. 18-04, § 1, 12-18-2018)

Sec. 4-3-130. Appeal of estimated tax assessment.

The taxpayer may appeal the Town Clerk's estimated tax assessment issued pursuant to Section 4-3-120 within thirty (30) calendar days of the date of mailing of the estimated tax assessment notice. An appeal must be made in writing and shall state the reasons for the appeal, the taxpayer's statement of taxes owed, and include documentation to support such appeal and statement of taxes owed. Upon failure to timely file an appeal, the Town Clerk's estimate of taxes owed shall be final and shall be due and owing to the Town. An appeal which is filed timely shall be considered and acted upon by the Town Clerk within forty-five (45) days after the date of receipt. The Town Clerk may conduct a hearing if determined necessary by the Town Clerk to ascertain additional facts relevant to the appeal. The Town Clerk shall provide at least ten (10) calendar days' notice to the taxpayer stating the date, time and location where the Town Clerk will conduct a hearing. The Town Clerk may compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Town Clerk by the issuance and enforcement of subpoenas in the same manner as production of evidence may be compelled before the court. The decision of the Town Clerk shall be made in writing, shall be final, and may not be subject to appeal to the Board of Trustees.

(Ord. No. 18-04, § 1, 12-18-2018)

ARTICLE IV Sales Tax

Sec. 4-4-10. Purpose.

The purpose of this Article 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 Article 2 of Title 29, C.R.S. This Article 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 Article 26 of Title 39, C.R.S.

Sec. 4-4-20. Definitions.

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

Sec. 4-4-30. Property and services taxed.

- (a) There is hereby levied and there shall be collected and paid a sales tax in the amount as in this Article provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in Section 39-26-104, C.R.S.
- (b) The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.
- (c) The gross receipts from sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, C.R.S., 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 Section 29-2-109, C.R.S., if such materials are picked up 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, *food* shall have the same meaning as provided in 7 U.S.C. § 2012(g), as such section exists 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 U.S.C. § 1786. For the purposes of this Subsection, *food* shall have the same meaning as provided in 42 U.S.C. § 1786, as such section exists 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. A credit shall be granted against the sales tax imposed by the Town with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the 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 Article, 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 his or her agent to a site within the limits of such town, city or county.

(Ord. 13-10 §1, 2013)

Sec. 4-4-40. Exemptions.

- (a) There shall be exempt from taxation under the provisions of this Article all of the tangible personal property and services which are exempt under the provisions set forth in Article 26 of Title 39, C.R.S.
- (b) All sales of tangible personal property on which a specific ownership 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 place of 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.

(Ord. 13-10 §1, 2013)

Sec. 4-4-50. Amount of tax.

There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in Section 4-4-30 above, a sales tax of two and one-half percent (2.5%) upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein.

Sec. 4-4-60. General provisions.

- (a) For the purposes of this Article, 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 his or her 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 (1) place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article shall be determined by the provisions of Article 26 of Title 39, C.R.S., and by rules and regulations promulgated by the Department of Revenue of the State.

(Ord. 13-10 §1, 2013)

Sec. 4-4-70. Collection, administration and enforcement.

- (a) The collection, administration and enforcement of the sales tax imposed by this Article 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. Accordingly, the provisions of Articles 26 and 21 of Title 39 and Article 2 of Title 29, C.R.S., and all rules and regulations promulgated by the Executive Director of the Colorado Department of Revenue pertaining to such collection, administration and enforcement, are incorporated herein by this reference.
- (b) At the time of making his or her return of the tax, as required by this Article, every retailer shall be entitled to subtract from the tax so remitted a sum equal to two percent (2%) of said tax as his or her fee, said fee to be known as the "vendor's fee."
- (c) If said retailer is delinquent in remitting said tax, he or she shall forfeit the vendor's fee unless good cause can be shown for such delinquent remittance.

(Ord. 13-10 §1, 2013)

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CHAPTER 6 Business Licenses and Regulations

ARTICLE I Short-Term Rental Licensing and Operation

Sec. 6-1-10. Purpose.

The purpose of this Article is to recognize a limited privilege for owners of residential dwelling units within the R-1 Zone District to offer to the public all or a portion of the owner's residential dwelling unit for short-term rental. Short-term rental is deemed a commercial activity that is generally antithetical to the residential purposes of the R-1 Zone District due to the potential for adverse impacts upon the quiet enjoyment of neighboring residential properties. Only through licensing of short-term rentals and the license holder's compliance with regulations may short-term rental be an acceptable accessory activity conducted within dwelling units within the R-1 Zone District. As a privilege, issuance of a license to engage in short-term rental of residential property shall not establish a right to such activity or a right to continue the activity beyond the term of any license subject to compliance with all applicable regulations. License holders should not rely on the potential for future license renewals and the Town may alter, modify, suspend, or revoke the availability of a short-term rental licensing program at any time.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-20. Definitions.

For the purposes of this Article, the following definitions shall apply notwithstanding a definition provided for the same term or phrase by other Chapters or Articles of the Municipal Code:

Advertise means any act, method or means of drawing attention to a short-term rental for purposes of promoting the same for rent or occupancy.

Applicant means a person or authorized representative of a corporation or other legal entity that is an eligible to hold a short-term rental license pursuant to Section 6-1-50 and submits an application for issuance of a short-term rental licensee in accordance with this Article.

Bedroom shall mean a room within a residential dwelling unit that was lawfully created and is currently lawfully recognized by the Town as a bedroom within the meaning of applicable building and safety codes and intended for overnight sleeping accommodations. Rooms deemed permitted for overnight sleeping accommodation are limited to rooms designed and intended for the primary purpose of overnight sleeping and which include an interior door, one (1) or more closets, and one (1) or more windows which provide egress in the event of emergency and which room and windows meet standards established by the applicable building and safety codes for a bedroom. Garages, kitchens, bathrooms, living rooms, dining rooms, lofts, hallways, family or media rooms, storage rooms, and rooms not heated by the structure's central heating system are deemed not to be bedrooms for purposes of this definition.

Dwelling unit means one (1) or more lawfully created rooms with internal connections including bathroom and kitchen facilities designed, occupied, or intended for residential occupancy as separate quarters for the exclusive use of a single family for living, cooking, and sanitary purposes.

Guest means all persons renting and persons accompanying a renter of a short-term rental.

Hosting platform means any manner through which a person, a license holder, an owner of property, business, or other entity (a "host") may offer a dwelling unit, or portion thereof, for short-term rental. A hosting platform includes, but is not limited to, an internet-based or web-based platform that allows or permits a host to advertise and potentially arrange for the temporary occupation of the dwelling unit, or portion thereof, through a publicly searchable website, whether the short-term renter pays rent directly to the host or to the hosting platform. Some common hosting platforms include privately owned or operated website addresses, and commercial platforms such as VRBO, Airbnb, HomeAway, and Booking.com.

Licensed premises means the dwelling specified in an approved application for a license under this Article.

License holder or licensee shall mean the person or entity to whom a short-term rental license has been issued by the Town.

Loft shall mean an above grade room typically fully or partially partitioned from other rooms within a residence, accessible from the interior of the structure, but which does not qualify as a bedroom.

New license means a license issued or to be issued to an applicant in accordance with this Article for property for which a short-term rental license was not issued or renewed in the immediately prior year.

Rent means to allow the use of real property for a period of time. Rent includes such terms as lease, sub-lease, let, sub-let, share, time share, trade, and borrow.

Short-term rental means the rent for any form of consideration of a dwelling, dwelling unit, accessory dwelling unit, or portion of any dwelling unit to a specific person or persons for periods of time less than thirty (30) consecutive days. Further, a short-term rental is an activity that shall remain a privilege for a property owner that is accessory, ancillary, and subordinate to the primary or principal residential use of such dwelling or dwelling unit. The phrase short-term rental does not include commercial hotels or motels.

Town means the Town of Blue River, Colorado. Use of the term "Town" in reference to an action to be undertaken by the Town may mean administrative, legislative, or other form of action depending on the context. "Town" shall not be deemed to imply that a referenced action must be undertaken by the Board of Trustees and, in most cases, such action would expressly reference the Board of Trustees as the acting body.

Utility or utilities, for purposes of determining occupancy limits for a short-term rental property only, means public and private service(s) both necessary and commonly found to be associated with the full use and occupancy of real property such as, but not limited to, water, wastewater (septic or sewer), gas (including propane), and electricity, but not including telephone, communication, or cable services.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2021-01, § 1, 1-19-2021; Ord. No. 2022-03, § 1, 9-20-2022; Ord. No. 2024-07, § 1, 11-19-2024)

Sec. 6-1-30. Accommodation registrations to expire.

On December 31, 2020, at 11:59 p.m., all accommodation registrations or other forms of permits or licenses issued by the Town pursuant to former Article 1 (renumbered by Ordinance No. 20-15 as Article 1A) of Chapter 6 shall expire and be automatically terminated.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-40. Short-term rental license required.

- (a) Commencing January 1, 2021, at 12:00 a.m., all short-term rentals shall require a short-term rental license issued in accordance with this Article.
- (b) A license issued pursuant to this Article is not required for rental of residential property for a period equal to or greater than thirty (30) consecutive days to the same person, persons, or entity. Agreements for rental terms of less than thirty (30) days shall not be combined or aggregated for the purpose of evading short-term rental licensing or regulation.
- (c) It shall be unlawful for any person to operate a short-term rental in the Town of Blue River without a license issued pursuant to this Article. Short-term rental of property without a short-term rental license constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (c) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20.
- (d) It shall be unlawful for any person to operate a short-term rental in the Town of Blue River during any period where a previously issued license is suspended pursuant to Section 6-1-130. Short-term rental of property during any period where a license is suspended constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (d) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20. As an alternative to penalty assessment, the court shall be authorized to revoke a short-term rental license upon payment in full of all outstanding taxes, fees, and charges owing to the Town.
- (e) It shall be unlawful for any person to advertise a short-term rental of property in the Town of Blue River without a valid and effective short-term rental license issued pursuant to this Article for the advertised property. Advertising a short-term rental of property without a short-term rental license constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (e) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20.
- (f) It shall be unlawful for any license holder to attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license to another person or entity, or to attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license to another location. Such attempt to assign, sell, convey, grant, or otherwise transfer a short-term rental license constitutes a violation of the Municipal Code punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this subsection (f) may be punished in accordance with the penalty provisions set forth in Section 1-4-20 of this Code provided that the minimum penalty for the first violation shall be four hundred dollars (\$400.00), the minimum penalty for a second violation shall be one thousand five hundred dollars (\$1,500.00), and the minimum penalty for the third and each additional violation shall be the maximum penalty allowed by law pursuant to Section 1-4-20.
- (g) Each separate act in violation of this Section shall be a separate offense. Each calendar day that a violation exists shall be a separate offense and violation of this Article.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-50. Eligibility for short-term rental license.

- (a) Only owners in fee simple of dwelling units lawfully constructed and lawfully existing within the R-1 Zone District shall be eligible for issuance of a short-term rental license.
- (b) Persons or entities that rent a dwelling unit (whether on a short-term or long-term basis) shall not be eligible for issuance of a short-term rental license.
- (c) Property designated, declared, deed-restricted, or reserved as affordable housing, employee housing, long-term rental housing, low-income housing, or other similar classification by the state of Colorado, any county or municipal government, special district, governmental or quasi-governmental authority or entity, or political subdivision shall be ineligible for the issuance of a short-term rental license. It is the intent of this Article to limit the privilege of short-term rentals to property generally unrestricted and available for use as a single-family residence.
- (d) Property owners convicted of, or who plead guilty or no contest to, a violation of an offense provided by Section 6-1-40 shall be ineligible to apply for, or for the issuance of, a short-term rental license for a period of three (3) years following the date of entry of such conviction or plea.
- (e) A property that held a license that was revoked pursuant to Section 6-1-40(d) (operation while suspended) or Section 6-1-130 (revoked for non-compliance) shall be ineligible to apply for, or for the issuance of, a short-term rental license for a period of five (5) years following such revocation.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-60. Manager authority.

- (a) The Town Manager may promulgate forms, checklists, self-certification affidavits, and other documents necessary or convenient for the purpose of ensuring conformance with this Article.
- (b) The Town Manager may submit any application for a short-term rental to any utility provider, governmental or quasi-governmental agency, law enforcement agency, or any other provider of services to the property in order to evaluate whether the operation of the short-term rental will comply with any applicable laws, regulations, standards, or rules.

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-70. Application for new short-term rental license.

- (a) License application. Applicants for a short-term rental license shall submit an application to the Town Manager in a form approved by the Town. Such application, to be deemed complete, shall provide at a minimum the following:
 - (1) The applicant's full name, mailing or postal address, electronic mail address (if any), and telephone number.
 - (2) The address of the proposed licensed premises including a description or illustration of the area(s) that will be used for short-term rental purposes with a total number of bedrooms and an illustration of the off-street parking spaces reserved and available for the short-term rental. Illustrations need not be drawn to scale but should be sufficiently illustrative of the property, improvements, and parking areas to verify compliance of the proposed short-term rental with the requirements of this Article.

- (3) A non-refundable application fee in an amount of three hundred dollars (\$300.00). The application fee may be increased annually in January of any year after 2021 by the Town Manager by not more than twenty-five dollars (\$25.00) where the Manager determines that such increase is necessary to meet the administrative cost of processing short-term rental applications.
 - (4) The name, address, and telephone number for a person or property management company or agency that will serve, following license issuance, as the emergency contact for short-term rental guests in the event the license holder is unavailable.
 - (5) Documentation evidencing that the applicant has applied for or already possesses a sales tax license from the Colorado Department of Revenue.
 - (6) A written certification by the applicant that the dwelling unit presently is, and will continuously be, equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as required by standards set by the Town Manager.
 - (7) During periods of Town-recognized pandemic or other health emergency, a written certification by the applicant that the management and operation of the dwelling unit will meet requirements established by the Town Manager to best protect the health of property owners, guests, and the public. Such requirements may include, but not be limited to, ensuring personal physical spacing, reduction in guest occupancy limits, mandatory housecleaning and disinfectant services between guest stays, making disinfectants and sanitizers available to guests, and conformance with all applicable public health orders and directives.
 - (8) A short-term rental self-inspection form confirming compliance with specific standards established by the Town Manager.
 - (9) A written acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by building, fire, zoning, and other officials, and that a failure to allow such pre-arranged inspection shall, in the discretion of the Town Manager, result in a suspension of the short-term rental license pursuant to Section 6-1-130 of this Article. Notice of inspection shall be mailed to the applicant's mailing address not less than ten (10) days prior to the date of the scheduled inspection. As a courtesy, the notice may also be sent to the electronic mail address of the property owner (if any). Immediate entry for inspection may also be obtained by issuance of an inspection warrant by the Municipal Court or other court or administrative or regulatory body.
 - (10) All registration, license, customer, account, or other number or property identifying information assigned by any hosting platform used for the short-term rental (including, but not limited to, hosting platforms such as VRBO, Airbnb, HomeAway, Booking.com). If the applicant will maintain an independent website address for the short-term rental whether used for information to renters or to schedule rentals, the internet address of such website is required.
 - (11) A signed written acknowledgement and authorization by the applicant in a form approved by the Town that the Town may contact a hosting platform and demand the removal of any advertisement, offer, or listing when determined by the Town that the advertisement, offer, or listing fails to comply with the requirements of this Article 1 or other provision of the Town's Municipal Code.
 - (12) Such other information determined necessary by the Town Manager to evaluate the compliance of the applicant, licensed premises, or proposed short-term rental property or management with the requirements of the Municipal Code.
- (b) If any of the information provided in the license application changes or is no longer valid, the license holder shall notify the Town Manager within ten (10) days after knowledge of the changed information.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2022-03, § 2, 3, 9-20-2022; Ord. No. 2024-07, § 2, 11-19-2024; Ord. No. 2024-07, § 3, 11-19-2024)

Sec. 6-1-80. Application processing, license issuance and term.

- (a) Processing. New license applications shall be reviewed by the Town Manager and approved, conditionally approved, or rejected within thirty (30) days from the date of the Town's receipt of a complete application. The Town Manager shall mail written response to the applicant's mailing address and electronic mail address (if any) concerning the application decision which response shall include the specific conditions imposed on approval or reason for any rejection.
- (b) Conditions of license issuance. The Town Manager may impose written conditions on the issuance of any license which conditions are found by the Town Manager to be either: (i) reasonable or necessary to ensure compliance with the requirements of the Municipal Code or other laws; or (2) recommended by any provider of any service to the property to meet or address service capacity or operational limitations. Such conditions are subject to the discretion of the Town Manager and a condition may include a limitation on the authorized total occupancy of the short-term rental pursuant to Section 6-1-110(a), upgrading of service facilities, or payment of fees or charges to a service provider to accommodate the proposed short-term occupancy.
- (c) License term—New licenses. All new short-term rental licenses shall be issued for a term to commence on the date of issuance and to expire on December 31 of the year in which the license was issued. Applicants are strongly encouraged to apply for licenses earlier in the year or to wait until the end of a year to maximize the term of the license.
- (d) License term. All short-term rental licenses, whether newly issued or renewed, shall expire on December 31 of the year in which the license was issued or the renewal granted provided that licenses issued on or after October 1 shall expire on December 31 of the following year. License holders may seek license renewal pursuant to Section 6-1-100.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2022-03, § 4, 9-20-2022)

Sec. 6-1-90. License nontransferable.

Short-term rental licenses are nontransferable. Change of ownership of the property subject to short-term rental license shall automatically void any previously issued or existing license and shall require the new owner to apply for a new short-term rental license if short-term rental of the property is desired. Any attempt to transfer a licensee shall be subject to enforcement pursuant to Section 6-1-40(f).

(Ord. No. 2020-15, § 3, 9-15-2020)

Sec. 6-1-100. Renewal and renewal term.

- (a) A valid and effective short-term rental license which expires on December 31 of the year of issuance may be annually renewed by the license holder for the next year in accordance with this Section. The Town Manager may, as a courtesy, advise a license holder of the need and obligation to renew a previously issued license; however, the ultimate obligation to timely apply for and obtain a license renewal shall rest with the license holder.
- (b) License renewal requests shall be made in writing through the submission to the Town Manager of a renewal form preferably prior to December 1. Renewal forms submitted after December 15 for a renewal for the next year shall be deemed late. Late renewal applications may be accepted at the discretion of the Town Manager upon the license holder's showing of good cause or excusable neglect. The Town Manager is authorized to

impose a late fee or charge on any renewal requests submitted after January 31 in an amount not to exceed fifty dollars (\$50.00).

- (c) The renewal application must be accompanied by the annual short-term rental license renewal fee. For applications for the renewal of an existing license for calendar year 2023, the annual renewal fee shall be three hundred dollars (\$300.00); thereafter, the Town Manager is authorized to administratively establish, following consultation with the Board of Trustees, an appropriate annual renewal fee to address the reasonable costs of the Town in processing applications and generally investigating and enforcing this Article which fee shall not be lower than three hundred dollars (\$300.00). The imposition of a renewal fee shall not prohibit or preempt the Town from seeking compensation or reimbursement of costs incurred in a specific enforcement action against a license holder.
- (d) Upon receipt of a timely renewal application, the Town Manager will review the application and administratively approve the renewal of the license, provided that for the year immediately preceding the date of renewal the following conditions are found by the Manager to be fully satisfied:
 - (1) Threshold determination. For any application for license renewal for calendar year 2024 (i.e., for renewal applications submitted for a license that is set to expire on December 31, 2023) and for renewal applications submitted for all subsequent years, no applicant shall be entitled to a renewal if the licensed premises was not rented for at least ten (10) days during the immediately prior year. A renewal application for a licensed premises that fails to demonstrate the required rental for the minimum number of rental days in the immediately prior year shall be deemed ineligible for renewal and summarily rejected.
 - (2) Eligibility determination.
 - a. The applicant for license renewal was the original applicant for the license to be renewed;
 - b. The applicant continues to meet all requirements for issuance of a license provided by Section 6-1-50;
 - c. The applicant or the property is not presently in violation of this Article, other provisions of the Municipal Code, or conditions imposed upon the license;
 - d. The applicant has not been cited for, charged with, or determined to be in violation more than three (3) times during the prior calendar year of a provision of this Article, other provisions of the Municipal Code, or a condition imposed upon the license;
 - e. The previously issued short-term rental license is current and valid and has not been suspended during the prior calendar year; and
 - f. The property has no outstanding local or state tax obligations.

If any one of the conditions of this subsection (2) are not satisfied, the Town Manager shall deny the renewal application.

The Town Manager is authorized to issue a conditional renewal requiring the license holder to promptly remedy or resolve one (1) or more issues that otherwise would necessitate rejection or denial of the application or license renewal. The license holder's failure to timely satisfy a condition of license renewal shall, without any formal action other than notice to the license holder, result in the revocation of the license renewal as if the renewal was rejected upon initial application and never issued.

- (e) Applicants whose application for renewal is rejected pursuant to subsection (d)(1) or denied pursuant to subsection (d)(2) of this Section may appeal the Town Manager's decision in accordance with Section 6-1-140.

- (f) The owner of property for which a renewal application was summarily rejected in accordance with (d)(1) above shall be ineligible to apply for a new license for a period of one (1) year from the date of rejection of the renewal application.
- (g) Unless the applicant appeals the Town Manager's decision to reject or deny the applicant's renewal application, the applicant may request a refund of the renewal application fee less fifty dollars (\$50.00) to cover the cost of processing of the renewal application, verification of rental days, and the final determination of the renewal application.
- (h) An application for renewal of an existing short-term rental license that is submitted prior to December 31 shall, if approved, be effective on January 1 following the date of submission of the application and shall expire on December 31 of the same year. Late applications for renewal submitted and accepted for processing by the Town after January 1 shall be effective on the date of approval and shall expire on December 31 of the same year.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2022-03, § 5—11, 9-20-2022)

Sec. 6-1-110. Operating standards and requirements.

A licensed short-term rental may continue during the duration of the license period only if the rental operation and the license holder conforms to each of the operating standards and requirements set forth in this Section:

- (1) **Occupancy limitation.** During the period of any short-term rental, the dwelling unit may not exceed an occupancy of two (2) persons for each bedroom (as defined by Section 6-1-20) plus a total of two (2) additional persons. For example, a two-bedroom residence shall be limited during the period of any short-term rental to a total occupancy of six (6) persons.

The Town Manager may reduce the maximum occupancy where the Manager determines based upon reasonably credible information that: (1) the available utility capacity for the short-term rental property is insufficient to support the maximum occupancy; or (2) that a utility service provider has established a lower maximum or permitted occupancy for the short-term rental property for utility purposes; or (3) building, construction permitting, or other public records demonstrate that the short-term rental property did not receive required approval of any existing rooms proposed for use for overnight stay. In rendering such determination, the Town Manager may rely upon information, records, or data available to the public.

The Town shall establish as a condition of the license the total maximum occupancy limitation for the dwelling unit during the term of any short-term rental.

- (2) **Parking limitations.** The Town may establish a maximum number of vehicles that may be parked off-street at a short-term rental property based on the information provided in the application, any general parking limitations imposed by the Town, and/or a Town-inspection of the property. The Town may establish as a condition of the license the total maximum vehicle parking limitation for the short-term rental.
- (3) **Advertising requirements.** Advertising to the public for a licensed short-term rental by any means or method, including hosting platforms, shall include: (1) Reference to the Town-issued license number; (2) The maximum occupancy limitation imposed for the short-term rental by the Town pursuant to subsection (1) above; and (3) The maximum off-street parking limitation imposed for the short-term rental by the Town pursuant to subsection (2) above. It shall be deemed a flagrant disregard of the standards of operation to advertise that the short-term rental is available for a greater occupancy or greater parking than that established by the Town for the property.

A hosting platform shall prominently display the short-term rental license number, the maximum occupancy, and any Town established parking limitation in any website listing for a short-term rental unit located in the Town. A hosting platform shall remove any listing for a short-term rental from its platform(s) after notification by the Town that the license number associated with the short-term rental is invalid, expired, has been revoked, or that the Town has a prohibition of short-term rentals that applies to the listing. A hosting platform shall remove any listing located in the Town without a short-term rental license number.

The Town will provide notice of a violation of this Section to the contact designated by the hosting platform. If the hosting platform fails to provide a contact for this purpose, the Town may provide notification through any publicly available contact information for the hosting platform. The notice will include the listing URL, the address of the short-term rental, and the reason for the requested removal. The hosting platform shall remove the listing within seven (7) days of receiving the notice.

Any person who violates this subsection (3) may be penalized in accordance with the provision set forth in Section 1-4-20 of this Code. Each calendar day that a violation exists shall be a separate offense and violation of this Article.

- (4) Conformance with applicable laws. The operation of the short-term rental shall at all times meet the requirements of the state and local laws generally applicable to the public and to the licensed property within the Town of Blue River, such as but not limited to, parking, outdoor lighting, noise, open fire burning, signage, animal and leash laws, trash and refuse management, and snow and ice removal. It shall be the obligation of the license holder to advise guests of all laws affecting the guests' use of the dwelling unit. It is the license holder's responsibility to ensure the operation of the short-term rental property in conformance with all Town requirements and laws and, therefore, offenses committed by guests shall adversely impair the license and the license holder's privilege to operate a short-term rental and such offenses may be cause to revoke, suspend, or penalize a license or license holder in accordance with Section 6-1-130. It shall not be a defense to any revocation, suspension, or penalty assessment that the underlying offenses were committed by the license holder's guests or invitees of the license holder's guests.
- (5) Posting required. Both on the interior side of the primary entry door of the dwelling unit and also prominently placed on the counter of the dwelling unit's primary kitchen, the license holder shall post written notices in not less than twelve-point font containing the following:
 - a. License holder's telephone number, text and electronic mail addresses (if applicable);
 - b. Telephone contact information for a person or management company available to the guest to address issues during the rental stay in the event that the license holder cannot be reached;
 - c. Quiet hours are 10:00 p.m. to 7:00 a.m. during which time activities outside and within the premises that can be heard by neighboring properties will be subject to enforcement pursuant to the Town's noise ordinance;
 - d. Trash and recycling schedule and instructions on how to properly dispose of trash to prevent wildlife conflicts, if applicable;
 - e. Renters are not authorized to use the Goose Pasture Tarn, the lake east of Highway 9 near the north boundary of the Town of Blue River and such use is unlawful;
 - f. Parking restrictions and limitations for the property including instruction that the Town of Blue River prohibits parking of vehicles on all Town streets;
 - g. Fire restrictions, if applicable;
 - h. Evacuation directions in the event of fire or emergency;

- i. Location of the fire extinguisher(s);
- j. Any other information deemed necessary by the Town Manager to ensure the public's health and safety.

The Town may, at its discretion, prepare and distribute to the license holder a notice for posting meeting the information requirements of this subsection (c). In the event that the Town provides to a license holder such notice, the failure of the license holder to post the Town-prepared notice shall constitute a breach of the obligation to post notice. Individual license holders are encouraged to work with the Town in preparing a posting notice tailored to meet the special needs of the short-term rental operation and the Town requirements and the posting of such jointly prepared notice shall be deemed to meet all requirements of this subsection (e).

- (6) Safety equipment. The license holder shall equip the licensed premises with the following operational equipment: smoke detector, carbon monoxide detector, fire extinguisher, and other life safety equipment as required by the Town Manager.
- (7) Entry of short-term rental premises. The license holder shall allow access to the short-term rental property by Town building, fire, and zoning officials upon a pre-arranged schedule. Notice of inspection shall be mailed to the applicant's mailing address not less than ten (10) days prior to the date of the scheduled inspection. As a courtesy, the notice may also be sent to the electronic mail address (if any). Immediate entry for inspection may also be obtained by issuance of an inspection warrant by the Municipal Court or other court or administrative or regulatory body.
- (8) Payment of taxes. The license holder shall pay all sales taxes, accommodation taxes, and fees owed to the Town in a timely manner.
- (9) Payment of penalty assessment. The license holder shall pay all penalty assessments imposed pursuant to this Article in a timely manner.
- (10) Change of information. The license holder shall notify the Town Manager within ten (10) days after knowledge of a material change to information submitted to the Town to obtain a short-term rental license. A material change includes information required by Section 6-1-70 (a)(1), (2), (4), (5), (6), and (10).

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2021-01, § 1, 1-19-2021; Ord. No. 2024-07, § 4, 11-19-2024)

Sec. 6-1-120. Reserved.

Sec. 6-1-130. License revocation, suspension, and penalty assessments.

- (a) It shall be unlawful for a license holder to operate a short-term rental that is not in compliance with the standards and requirements of Section 6-1-110. A license holder that fails to meet the standards and requirements of Section 6-1-110 in the operation of a licensed short-term rental may have the holder's license: (i) revoked; (ii) suspended; and/or (iii) made subject to administratively imposed penalty in accordance with this Section.
- (b) It shall be unlawful for a license holder to fail to timely pay a penalty assessment imposed in accordance with this Section 6-1-130. A license holder that fails to timely pay an administrative penalty assessment shall be deemed in flagrant disregard for the standards and requirements of Section 6-1-110 which shall justify either revocation or suspension of the license.
- (c) Upon complaint or upon reason to believe a license holder is not in compliance with the standards and requirements of Section 6-1-110, the Town Manager may investigate such circumstance and render an

administrative determination whether the license holder is in compliance. Upon a finding of non-compliance, the Town Manager shall notify the license holder of such determination and may:

- (1) Revoke the license holder's license. Revocation shall be limited to situations where the Town Manager determines that a license holder: (i) demonstrated a flagrant disregard for the standards and requirements of Section 6-1-110; or (ii) failed to operate the short-term rental in accordance with the standards and requirements of Section 6-1-110 after three (3) or more notices of non-compliance during a twelve-month period.
 - (2) Suspend the license holder's license. Suspension for a period of time not to exceed six (6) months shall be limited to situations where the Town Manager determines that a license holder has failed to operate the short-term rental in accordance with the standards and requirements of Section 6-1-110 after two (2) or more notices of non-compliance. The Town Manager shall be authorized to enter into an agreement with a license holder to hold in abeyance any suspension pending the license holder's compliance with conditions deemed necessary by the Town Manager to bring the operation of the short-term rental into compliance.
 - (3) Assess an administrative penalty. The Town Manager may impose an administrative penalty in an amount not to exceed two hundred dollars (\$200.00) for each finding of non-compliance. Penalty assessment shall be customarily imposed upon the license holder when failing to promptly bring the operation of the short-term rental into compliance with the standards and requirements upon notice by the Town. Interest at five (5) percent each full calendar month (prorated for any partial month) shall accrue upon any outstanding and unpaid penalty assessment amount owned until the assessment is paid in full. Interest accrual shall not be stayed or suspended during any period of administrative or judicial challenge or appeal.
- (d) The Town Manager shall serve a notice of revocation, suspension, or penalty assessment by first class and certified mail to the address of the license holder. The Town Manager may also, as a courtesy, send notice to the license holder through electronic mail to any address of the license holder provided to the Town. The notice shall identify:
- (1) The name of the license holder and the license number;
 - (2) The applicable Section(s) of the violation(s) together with a description of the violation;
 - (3) The action, if any, required to correct the violation; and
 - (4) The effective date of the revocation, suspension, or penalty assessment which shall commence, or be due and owing, no earlier than fifteen (15) days after the date of the notice.

The notice shall inform the license holder of the right to appeal the decision appeal right as set forth herein. Provided that the mailed notice is properly addressed to the license holder's last known registered address with the Town, failure of the license holder to receive such mailing or to accept mailing shall not preclude or prevent the imposition of revocation, suspension, or penalty assessment including any interest owed on penalty assessment.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2024-07, § 4, 11-19-2024)

Sec. 6-1-140. Appeal of Town Manager decision.

- (a) The license holder or applicant may appeal the Town Manager's decision regarding a license denial, a license renewal, revocation, suspension, or penalty assessment by submitting a written notice of appeal with the Town Manager within twenty (20) calendar days of the date of the notice. An appeal shall stay (hold in abeyance) the decision regarding a renewal (i.e., to reject, deny, or condition a renewal), or a decision to revoke, to suspend, or to impose a penalty assessment until a final written decision is issued by the Board of

Trustees on the appeal. The notice of appeal shall state in writing why the license issuance decision, renewal decision, revocation, suspension, or assessment is not warranted, justified, or based on accurate information which may include a statement of why the license holder or applicant met all conditions for issuance or renewal or the grounds to contest the violation itself and provide information that addresses how the license holder or applicant has taken measures to remedy the violation.

- (b) Upon receipt of the written notice of appeal, the matter shall be set for a quasi-judicial hearing before the Board of Trustees or, at the Board's discretion, before an appointed independent hearing officer selected by the Town Attorney. Notice of the hearing shall be provided to the license holder or applicant by communication addressed to the license holder's or applicant's mailing or electronic mail address provided to the Town. Notice shall also be sent to any known address for property owners of record within two hundred (200) feet of the licensed short-term rental.
- (c) At the hearing, the license holder or applicant, the Town, and other interested persons may present evidence and testimony relevant to the Town Manager's decision. In determining whether to uphold the Manager's decision or to modify the decision, the Board of Trustees or hearing officer shall determine whether the Manager's decision was unreasonable, arbitrary or capricious, or not based on sufficient evidence. The Board or hearing officer may consider in rendering a decision the severity of the violation(s), the culpability of license holder or applicant, and any measures taken to remedy the violation to ensure it will not reoccur. For new licenses or renewals, the Board or hearing officer may instruct the license to be issued or renewed, or other condition modified or eliminated subject to reasonable conditions which will ensure ongoing conformance of the short-term rental with the requirements of this Article and other provisions of the Municipal Code.
- (d) The Board of Trustees or hearing officer's decision shall be made in writing which written decision shall be final for purpose of any further appeal pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. No stay shall be afforded to any license holder upon a denial of renewal, revocation, suspension, or penalty assessment during any further appeal of the Board of Trustee's decision.

(Ord. No. 2020-15, § 3, 9-15-2020; Ord. No. 2022-03, § 12, 9-20-2022)

ARTICLE 1A Accommodation Rental Registration Fee¹

Sec. 6-1A-10. Registration required—Fee—Application.

- (a) It is unlawful for any person or corporation to lease, rent or furnish any room or other accommodation within the Town for less than thirty (30) days without first having filed with the Town Clerk an accommodation rental registration on a form furnished by the Town Clerk.
- (b) The accommodation rental registration shall be renewed annually on or before each anniversary.
- (c) In the event that there is any change to the information required to be provided on such accommodation rental registration filing form, an updated form shall be filed with the Town Clerk before any person or corporation leases, rents or furnishes any room or other accommodation for less than thirty (30) days within the Town.

¹Editor's note(s)—Ord. No. 2020-07, § 2, adopted March 11, 2020, repealed Art. I, §§ 6-1-10—6-1-40, and enacted a new Art. I, §§ 6-1-10 and 6-1-20, as set out herein. The former article pertained to similar subject matter and derived from Ord. 10-06-a § 1, adopted 2010; and Ord. No. 14-02, § 1, adopted Feb. 18, 2014. Subsequently, Ord. No. 2020-15, §§ 1, 2, adopted September 15, 2020, renumbered Art. I, §§ 6-1-10 and 6-1-20 as Art. 1A, §§ 6-1A-10 and 6-1A-20, as set out herein. Effective at 11:59 p.m. on December 31, 2020, Art. 1A shall be repealed.

- (d) The filing of each initial accommodation rental registration form shall be accompanied by payment of a fee of two hundred dollars (\$200.00), and the annual renewal of the same shall be accompanied by payment of a fee of one hundred and fifty dollars (\$150.00).
- (e) The registration form shall include the name and mailing address of the person or corporation leasing, renting or furnishing any room or other accommodation and shall include the physical address of the room or accommodation and such other information as shall be reasonably required.

(Ord. No. 2020-07, § 2, 3-11-2020; Ord. No. 2020-15, § 1, 9-15-2020)

Sec. 6-1A-20. Interest and penalties.

If remittances and reports are not received on the due dates specified in Section 6-1A-10, a penalty shall be imposed in the amount of ten (10) percent of the liability for the fee, and the total amount due, including tax and penalty, will bear interest at the rate of one and one-half (1½) percent per month or fraction thereof until such reports and remittances are received by the Town Clerk.

(Ord. No. 2020-07, § 2, 3-11-2020; Ord. No. 2020-15, § 1, 9-15-2020)

ARTICLE II Business Registration Fee

Sec. 6-2-10. Required—Fee—Application.

- (a) It is unlawful for any person or corporation to engage in any business or occupation without first having filed with the Town Clerk a business registration form on a form furnished by the Town Clerk.
- (b) The filing of each business registration form, including each updated registration form, shall be accompanied by payment of a fee of fifty dollars (\$50.00) and a yearly renewal fee of fifty dollars (\$50.00).
- (c) The registration form shall describe the name of the business and shall include the name and address of the person or corporation conducting the business.
- (d) Section 6-1-10 of this Chapter and not this Section shall apply to the leasing, rental or furnishing of any room or other accommodation.

(Ord. 13-12 §2, 2013)

Sec. 6-2-20. Annual update.

It shall be the duty of each person or corporation filing a business registration form on or before each anniversary of such filing to file, on a form furnished by the Town Clerk, an updated registration form containing current information. Refusal to comply with the requirements of this Section shall be deemed a violation of this Article.

Sec. 6-2-30. Violation—Penalty.

Any person violating any of the provisions of this Article shall be deemed to have committed a violation for each and every day or portion thereof during which any violation is committed, continued or permitted and shall be subject to the penalties contained in Section 1-4-20 of this Code.

ARTICLE III Marijuana Establishments²

Sec. 6-3-10. Marijuana establishments prohibited.

It is unlawful for any person to operate a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store within the Town.

Sec. 6-3-20. Violation, penalty.

Any person violating any of the provisions of this Article shall be deemed to have committed a violation for each and every day or portion thereof during which any violation is committed, continued or permitted and shall be subject to the penalties contained in Section 1-4-20 of this Code.

ARTICLE IV Special Event and Public Property Use Permits

Sec. 6-4-10. Purpose

Special events and public property use as defined by this Article present a risk of adverse impacts to the quiet enjoyment of residential property and the mountain character of the Town of Blue River. Therefore, these activities are generally considered as undesirable and disfavored. A permit for such activities can be issued only where the Town determines in advance that the proposed special event or public property use can be conducted in a manner that will avoid or significantly and substantially mitigate adverse impacts in accordance with this Article.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-20. Definitions

For the purposes of this Article, the following definitions shall apply notwithstanding a definition provided for the same term or phrase by other Chapters or Articles of the Municipal Code:

Special event means a gathering or an event, whether conducted on a single date or multiple dates, under the organization, direction, or control of a person or entity, including a parade, party, sporting activity or competition, celebration, or congregation for any purpose regardless of political, religious, commercial, social, or other purpose and:

- (1) Proposes or necessitates the closing of a public right-of-way that is available for use by and access to the public and or is available and necessary for access by emergency services to one (1) or more residences;
- (2) Proposes or necessitates the blocking or restriction of access to public property, including public rights-of-way; or
- (3) Involves anticipated or actual participation by thirty (30) or more persons on public property; or
- (4) Will offer for sale merchandise, food, or beverages on public property; or
- (5) Involves the erection of a tent or canopy on public property; or
- (6) Involves the installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property or on private property; or

² Section 2 of Ordinance No. 13-11, 2011, provides that this Article shall be reconsidered by the Board of Trustees no later than September 16, 2014.

- (7) Involves the placement of temporary informational signs including, but not limited to: no-parking, directional, identification or special event signs or banners in or over a public right-of-way.

Public property use means:

- (1) Use of the Town right-of-way for permanent or temporary storage of construction materials or construction equipment, earth, organic materials, or other use that will block or impair the access of all or any portion of the right-of-way; or
- (2) Placement of a dumpster, storage pod, or any other item that will block or impair the access of all or any portion of the right-of-way.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-30. Permit required; enforcement.

- (a) A Town-issued permit is required for any special event or public property use. The processing of an application and the decision regarding the issuance of a permit shall be an administrative action by the Town. Although administrative, the Town may submit the application to the Board of Trustees for evaluation and public comment on the proposal may be considered in determining impacts of the proposed event or use.
- (b) Failure to obtain a permit for a special event or a public property use or to otherwise fail to comply with the requirements of this Article shall be unlawful and a violation of the Municipal Code.
- (c) In addition to any other remedy provided by law, the Town is authorized as a matter of the immediate protection of public health and safety to close, shut down, curtail, limit, or otherwise abate a special event or public property use that is:
 - (1) Conducted without a permit as required by this Article; or
 - (2) Conducted in breach or in violation of a permit condition or a requirement of the Municipal Code.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-40. Administrative exemption authorized.

- (a) The Town Manager is authorized to issue a written administrative exemption for a proposed special event or public property use if the Town Manager finds that the proposed event or use will not, if conducted as proposed and described, present the potential for any significant adverse impacts. Prior to issuing an administrative exemption, the Town Manager shall require the submission of proposal and description of the event for use sufficient to describe the scope and extent of proposal.
- (b) The Town Manager is authorized to impose conditions upon the issuance of an administrative exemption designed to ensure compliance with the submitted proposal or description and to avoid or mitigate any potential for adverse impacts. Such conditions may be evidenced by written agreement with the applicant for sponsor of the event or use.
- (c) Issuance of an administrative exemption shall authorize the proposed event or use only to the extent conducted as proposed and as represented to the Town Manager. Notwithstanding the, the Town may enforce the provisions of this Article and specifically Section 6-4-30 where the event or use is conducted in a manner that deviates from the proposal and description upon which the administrative exemption granted.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-50. Permit application.

- (a) The Town Manager is authorized to promulgate application forms, directives, guidelines, and sample agreements for the administration and implementation of this Article. Applicants are encouraged to review posted information and instructions on the Town's website or to contact the Town Manager in advance of submitting an application.
- (b) An applicant for a permit under this Article shall submit a completed application form for the proposed special event or public property use to the Town Manager. Such form will require the following, if deemed applicable by the Town Manager:
 - (1) A description of the special event or public property use including the nature and extent of the event or use;
 - (2) Name, address, electronic mail address, and phone number of the responsible organizer;
 - (3) Date, time, duration, and place of the special event or public property use;
 - (4) Projected number of participants expected;
 - (5) Proof of liability insurance in a form acceptable to the Town;
 - (6) An operations plan which details plans for:
 - a. The route or access to and from the event or the use;
 - b. Parking management;
 - c. Rights-of-way to be closed, blocked, or used for the special event or public property use;
 - d. Method to manage and prevent conflicts between vehicular traffic and pedestrians including staffing by law enforcement or other personnel at points of potential conflict;
 - e. Use and location of equipment or improvements such as trucks, trailers, tents, trash receptacles and dumpsters;
 - f. Provision of emergency medical services, sanitary facilities, communications, and signage; and
 - (7) Other information deemed necessary by the Town for the full evaluation of the impacts of the special event or public property use.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-60. Application deadline.

Applications shall be submitted to the Town a minimum of sixty (60) days prior to the first date of a special event or thirty (30) days prior to the first date of public property use to allow for adequate and timely processing of the application in advance of the event. Late applications may be rejected at the discretion of the Town Manager where insufficient time is available to ensure complete evaluation and processing of the application.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-70. Review process.

- (a) Upon receipt of an application for a special event or public property use permit, the Town Manager shall submit the application to other departments and to potentially affected public and private service providers. The Town Manager may refer an application to the Board of Trustees for administrative review and comment, in the Manager's discretion.

- (b) Based on the scope, extent, and potential impacts of the proposed special event or public property use, the Town Manager may require that the applicant provide notice of the proposal (or to pay the costs of Town-provided notice) to property owners, governmental agencies, and other persons or entities likely impacted by the proposed special event or public property use. For most applications, notice to owners of property within three hundred (300) feet of the event or use will be deemed a reasonable and minimum requirement. The content, addressees, and manner of the notice shall be determined by the Town Manager. Any required notice shall be provided as a courtesy to recipients and shall not result in an obligation that the Town conduct a public hearing or otherwise solicit or receive public comment on the application.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-80. Conditions authorized.

- (a) The Town Manager shall consider the following matters or issues in making a determination regarding the issuance of a permit and may impose reasonable conditions to address concerns:
 - (1) Availability of parking;
 - (2) Methods of traffic control and conflicts;
 - (3) Anticipated trash and noise;
 - (4) Hazard to persons or property and insurance coverage for related liability;
 - (5) Availability and needs related to security;
 - (6) Appropriate licensing and sales tax compliance;
 - (7) Availability of sanitation facilities;
 - (8) Provisions for cleanup during and following the event or use;
 - (9) Other matters or issues reasonably related to the event or use that may create adverse impacts to property within the vicinity of the event or use or within the Town.
- (b) Upon a determination of the Town Manager that the event or use potentially presents more significant impacts or presents a risk to the Town's resources including Town property or personnel, the Manager may require as a condition of the permit the execution by the applicant of an agreement for the event or use imposing obligations and expectations on upon the applicant for the protection of the health and safety of the Town and its residents.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-90. Decision.

- (a) After completion of the administrative review, the Town Manager shall issue a written decision approving, conditionally approving, or denying the application.
- (b) The Manager shall deny an application where the Manager determines that the proposed special event or public property use will likely create adverse impacts which cannot be reasonably avoided or substantially and significantly mitigated or which present an unacceptable risk of impact to the quiet enjoyment of property or the mountain character of the Town of Blue River.
- (c) The Manager's decision shall be either personally delivered to the applicant, sent by electronic mail; or sent via regular mail to the applicant's address indicated on the application. An applicant may request to receive verbal notification of the Town Manager's decision in addition to written notice.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-100. Deposit.

A deposit may be required by the Town Manager to assure completion of cleanup, collection of sales tax, or compliance with specific conditions placed on the permit. The fee deposit for application conditions, except for collection of sales tax, shall be refundable upon successful completion of application conditions. The deposit shall not exceed the reasonable cost of compliance with such conditions. Failure to comply or fulfill conditions of the permit shall be sufficient basis for the applicant's forfeiture of his or her deposit, in which instance the Town shall use the deposit to meet the conditions.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-110. Appeals.

An applicant may appeal the denial or any condition imposed on the approval of an application by the Town Manager to the Board of Trustees by submitting a written request and specific or detailed explanation of the basis for the appeal to the Town Manager within seven (7) days of the written decision issued in accordance with this Article. The Town Manager shall schedule the matter before the Board of Trustees at the next available regular Board of Trustees meeting. All appeals shall be administrative in nature and a hearing shall not be required although the applicant may appear and respond to questions from the Board. When reviewing an appeal, the Board of Trustees shall be limited in its review to whether the Town Manager abused his or her discretion under this Article and, if necessary, to remand the matter to the Manager for a final decision.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-120. Terms of permit and duties of permit holder; revocation.

- (a) A permit issued under this Article shall authorize the one-time occurrence of a special event or use. For annual or other periodic events, an applicant must obtain a new permit each year or recurring period.
- (b) Notwithstanding any express condition of the permit or agreement required for permit issuance, the permit holder must comply with the following duties:
 - (1) The permit holder shall comply with all terms and conditions of the permit.
 - (2) Immediately following the completion of the event or use, the permit holder shall ensure that the area used for the event or use is cleaned and restored to the same condition as existed prior to the event or use. If the property used for the event or use has not been properly cleaned or restored, the permit holder shall be required to reimburse the Town for any costs incurred by the Town to restore the area.
- (c) The Town is authorized as a matter of the immediate protection of public health and safety to close, shut down, curtail, or otherwise abate a special event or public property use that fails to immediately comply upon demand with a condition of the permit.

(Ord. No. 2022-02, § 1, 9-2-2022)

Sec. 6-4-120. Penalty.

Any person found to have violated any provision of this Article shall be subject to a fine as set forth in Section 1-4-20 of this Code in addition to any other remedy provided by law.

(Ord. No. 2022-02, § 1, 9-2-2022)

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CHAPTER 7 Health, Sanitation and Animals

ARTICLE I Administration and Abatement of Nuisances

Sec. 7-1-10. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Brush means voluntary growth of bushes and such as are growing out of place at the location where growing, and shall include all cuttings from trees and bushes; and also high and rank shrubbery growth which may conceal filthy deposits.

Inoperable vehicle means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

- a. Absence of an effective registration plate upon such vehicle.
- b. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
- c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

Litter means the scattering or dropping of rubbish, trash or other matter, organic or mineral.

Noise means the use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes.

Nuisance means any substance, act, occupation, condition or use of property declared a nuisance by this Chapter, declared a nuisance by the State or by any court or agency thereof, known as a nuisance at common law or which is of such nature and duration as to:

- a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- b. In any way render the public insecure in life or in the use of property;
- c. Substantially interfere with, obstruct or tend to obstruct or render dangerous or impossible for passage any street, alley, highway or easement as shown on plats of subdivisions in the Town.

Offensive odor means an odor which is offensive to a person of ordinary sensibility and shall include, but not be limited to, the odor caused by the growing, cultivation or processing of marijuana on or within premises not equipped with a proper ventilation system that filters out the odor of the marijuana.

Refuse means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

Rubbish means any type of debris, trash, waste or rejected matter.

Trash means any worn out, broken up or used refuse, rubbish, toppings, twigs, leaves of trees or worthless matter or material.

Wood debris accumulation means any accumulation of slash, diseased, infested, downed and/or dead trees or other natural wood debris.

Sec. 7-1-20. Common law nuisances.

Every term defined in Section 7-1-10 above is declared to be a nuisance. It is a violation of this Chapter to cause or permit a nuisance as so defined.

Sec. 7-1-30. Reserved.

Sec. 7-1-40. Prohibition of nuisances.

- (a) No person being the owner, agent or occupant or having under his or her control any building, lot, premises or unimproved real estate within the limits of the Town shall maintain or allow any nuisance to be or remain therein.
- (b) Any act, condition, substance, occupation or use of property which substantially meets the criteria of a *nuisance* as defined in Section 7-1-10 above may be so declared by the Board of Trustees, and nothing in Article II of this Chapter shall be construed to limit the power of the Town to make such declaration.

(Prior code 3-2-3)

Sec. 7-1-50. Ascertaining nuisances.

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town to be dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

Sec. 7-1-60. Constitution of separate offense.

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

Sec. 7-1-70. Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or police officer against any person who violates any provision of this Chapter.

Sec. 7-1-80. Abatement of nuisance.

Each and every nuisance declared or defined by this code shall be abated as follows:

- (1) Summary abatement. Any nuisance existing on public property shall be summarily abated by whatever means are necessary and appropriate. Any nuisance on private property determined to create imminent danger to the public health or safety shall be summarily abated by whatever means are necessary and appropriate.
- (2) Notice of abatement. In the case of any nuisance not requiring summary abatement, the Town Clerk may cause notice to be served upon the person or legal entity on whose property the nuisance exists, requiring such person or entity to abate the same in such reasonable time and in such reasonable manner as prescribed in the notice. The reasonable time for abatement shall not exceed fourteen (14) days unless it appears from the facts and circumstances that compliance could not reasonably be made within fourteen (14) days or that a good faith attempt at compliance is being made. Such notice shall be in writing and signed by an official of the Town and shall be personally served on the owner or occupant of the premises upon which the nuisance exists or, if the premises are unoccupied, then by posting the same prominently at some place on the premises. If service is by posting, a copy of the notice shall be mailed by regular mail to the owner of the premises as shown on the tax rolls of the County at the address of such owner as shown therein.
- (3) Failure to voluntarily abate. If, after notification, a nuisance is not voluntarily abated, the following alternative procedures shall apply:
 - a. The Town may proceed to abate the nuisance, employing such forces and persons as may be necessary, by contract or otherwise.
 - b. The Town Attorney may institute proceedings in the district court for the County to obtain a judicial determination that such nuisance exists, to abate such nuisance, to enjoin the same and for such other relief as may be necessary, including but not limited to the costs and expenses of abatement. Upon a judicial determination that a nuisance exists, the Town may proceed to abate the nuisance, employing such forces and persons as may be necessary, by contract or otherwise.
 - c. The Town may cause prosecution of the person or legal entity responsible for the nuisance in the Municipal Court; provided that compliance with the notice procedure contained in this Chapter shall not be a condition thereof.

Sec. 7-1-90. Right of entry.

The Chief of Police or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.

Sec. 7-1-100. Liability for abatement costs.

The person responsible for any nuisance within the Town shall be liable for and pay and bear all costs and expenses of the abatement of said nuisance, which costs and expenses may be collected by the Town in any action at law, referred for collection by the Town Attorney in his or her discretion, or collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

Sec. 7-1-110. Abatement costs a lien.

If, after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town in the abatement or in connection with the abatement of the nuisance, and

said costs are not otherwise collected, then the Town Clerk shall cause a notice to be mailed to the owner of the premises as shown by the tax roll of the County, at the address shown upon the tax roll, by first-class mail, postage prepaid, notifying such owner that work has been performed pursuant to this Article, stating the date of performance of the work and the nature of the work and demanding payment of the costs thereof, together with a five-percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that, if said amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and a lien against the property of said owner, describing the same, and will be certified as an assessment against the property, together with the ten-percent assessment for costs of collection, and the above-mentioned assessment will be collected in the same manner as a real estate tax upon the property.

Sec. 7-1-120. Collection of costs.

- (a) If after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town in the abatement or in connection with the abatement of the nuisance, and said costs are not otherwise collected, then the Town Treasurer may thereafter certify to the Town Clerk the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of the County, together with a statement of the work performed, the date of performance and the costs thereof.
- (b) Upon receipt of such a statement from the Town Treasurer, the Town Clerk shall mail a notice to the owner of said premises as shown by said tax roll, at the address shown upon the tax roll, by first class mail, postage prepaid, notifying such owner that work has been performed pursuant to this Chapter, stating the date of performance of the work and the nature of the work and demanding payment of the costs thereof (as certified by the Director of Finance), together with a five-percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and a lien against the property of said owner, describing the same, and will be certified as an assessment against such property, together with the ten-percent assessment for costs of collection, and the above-mentioned assessment will be collected in the same manner as a real estate tax upon the property.

(Prior code 3-2-5C)

Sec. 7-1-130. Costs assessed.

- (a) If the Town Clerk does not receive payment within the period of thirty (30) days following the mailing of such notice, the Town Clerk shall inform the Board of Trustees of such fact, and the Board of Trustees shall thereupon enact an ordinance assessing the whole cost of such work, including a charge of five percent (5%) of said whole cost for inspection and other incidental costs in connection therewith upon the lots and tracts of land upon which the nuisance was abated, and together with a charge of ten percent (10%) of said whole costs for costs of collection.
- (b) Following the passage of such ordinance, the Town Clerk shall notify the County Treasurer, who shall collect the assessment, including the ten-percent charge for costs of collection, in the same manner as other taxes collected.
- (c) Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments.
 - (1) No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this Chapter in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

- (2) Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and, when applicable, the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law.

(Prior code 3-2-5D)

Sec. 7-1-140. Violations and penalties.

Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1-4-20 of this Code. In any prosecution for a violation of this Code in which notice has been given in compliance with the notice procedure of this Chapter, every day on which the violation continues after the giving of notice shall be deemed a separate offense.

ARTICLE II Water Quality Control Regulations

Sec. 7-2-10. Silt fencing required.

All topsoil or earthen materials (such as earth, rock, topsoil and mulch) storage sites shall be surrounded by silt fencing until the storage site is depleted or removed. Any storage site intended to remain for a period of three (3) months or greater shall be seeded as soon as it can be prepared and completed as soon as possible to ensure rapid plant growth.

Sec. 7-2-20. Discharge of concrete wash water.

Before any concrete wash water is discharged upon any site within the Town, a concrete containment plan must first be submitted providing for acceptance, storage and removal of the concrete contaminants. Such sites shall be included within the construction plan and specifically designed as to location and area. Any such site shall not be located closer than fifty (50) feet from any waterway, stream, ditch (wet or dry), storm sewer, wetland area, water well, lake or pond. Each concrete truck driver and pumper shall be informed of this location; and all the requirements of the State for a concrete washout storage structure shall be met for containment and disposal, as defined within Section 107.25, Water Quality Control, Colorado Department of Transportation 2005 Standard Specifications for Road and Bridge Construction. Any application for a washout storage structure shall include an approval of its design by a certified Colorado Erosion Control Supervisor. Solvents, flocculants and acids shall not be added to any wash water.

Sec. 7-2-30. Spill prevention and containment measures.

Spill prevention and containment measures shall be undertaken upon all construction sites within the Town. Vehicle cleaning, washing or other than daily maintenance shall be performed at off-site areas not in the Town. Lubrication in the form of changing oils and filters or greasing and lubrication may be performed on site, but the use of drums or other impervious materials shall be used for contaminants (such as filters, grease cartridges and used oil containers). A specific location within any construction site shall be designated and maintained for such daily activities, which areas shall be kept clean of any spilled contaminants. Frequent checks for oil leaks on equipment shall be performed, and the use of drip pans, plastic pools or other impervious containers shall be used under any equipment while parked and until repairs to leaks can be made. If there are leaks, absorbent materials shall be used to clean the areas, and contaminants shall be contained in impervious containers and removed from the site. A plan for removal of contaminated soils shall be presented to the Town Building Official included within the construction permit application.

Sec. 7-2-40. Storage of pollutants.

The storage of chemicals, oils, greases, fertilizers or other pollutants within fifty (50) feet of any waterway, wetland, water well, lake or any drainage ditch (wet or dry) that could carry such pollutants into a stream, wetland, lake or other waterway is a violation of this Article.

Sec. 7-2-50. Discharge of pollutants.

The discharge of chemicals, oils, greases, fertilizers or other pollutants from any residential site or motor vehicle within the Town is a violation of this Article. Immediate remedial actions shall be taken so as to prevent any materials from entering into any stream, wetland, lake, pond, storm sewer, ditch (wet or dry), water well or other waterway. The Town Building Official has the full authority to inspect and ensure that immediate corrective measures are taken by the occupant or owner of any such site or motor vehicle within the Town if, in his or her opinion, such conditions are occurring.

Sec. 7-2-60. Protection of wetlands.

The use of areas that are or can be designated as wetlands for travel or for the storage of equipment, materials or any other supplies is a violation of this Article. Such wetland areas shall be kept in a totally undisturbed condition, free from any construction activity. The prohibition of this Section shall not apply only when an approved permit has been issued by the United States Army Corps of Engineers (CE) over such areas. If an approved permit has been issued to a property owner, a copy shall be given to both the Planning and Zoning Commission and the Building Official at least thirty (30) days prior to the start of any construction or disturbance in that wetland area. Even in that case, the Town Building Official and the Planning and Zoning Commission shall have the right to review such CE permit and may impose additional conditions upon such permit to ensure that all waterways, streams, lakes, ponds and wetlands within the Town are properly protected.

Sec. 7-2-70. Discharge of water from construction sites.

The discharge of water from any construction site directly into any state waterways, including streams, wetlands, lakes, ponds, drainage ditches (wet or dry), water wells or storm sewers, is a violation of this Article. Dewatering of any construction site shall include use of impervious basins or containers for dissipation by infiltration or evaporation, which shall be hauled away from the construction site and disposed of in accordance with applicable laws and regulations or land applied to approved non-wetland areas and allowed to soak into the soil. A written concurrence or permit from the Colorado Department of Public Health and Environment is required for this type of water dissipation. A copy of such permit shall be provided to the Town Building Official at least fourteen (14) days prior to discharge of any such construction site water.

Sec. 7-2-80. Off-site tracking.

Off-site tracking of earth, mud, stone, dirt or other contaminants from new and existing home sites is a violation of this Article. If, in the opinion of the Town Building Official, off-site tracking is occurring which could cause sediment runoff into any waterway, wetland, lake, water well, pond or stream, or if it creates an unsafe vehicle traffic situation, the Town Building Official is required to stop all activity on the site until the conditions are corrected and maintained so as to prevent off-site tracking.

Sec. 7-2-90. Disturbance of area one acre or more.

Any disturbance of a site consisting of one (1) or more acres is a violation of this Article, unless the owner first acquires a Colorado Department of Public Health and Environment construction permit. A copy of that permit shall be given to the Town Building Official at least thirty (30) days prior to the start of any construction activity on the site. In calculating the area of the disturbance, there shall be included without limitation: roads; any building

excavations; disturbance due to septic or sewage excavations for pits or pipelines; parking areas; storage areas for materials, including earth or rock; all other utility installations; and surface disturbances due to landscaping, tree removals and access roads.

ARTICLE III Reserved

ARTICLE IV Weeds and Brush

Sec. 7-4-10. Local Noxious Weed Management Advisory Board.

The Board of Trustees shall appoint a Local Noxious Weed Management Advisory Board of at least one (1) and up to five (5) members, which members shall be residents of the Town and may also be members of the Town Board of Trustees. Such Local Noxious Weed Management Advisory Board shall have the duties and responsibilities as provided by Section 35-5.5-107, C.R.S., as may be amended from time to time.

(Ord. No. 2020-04, § 1, 2-18-2020)

Editor's note(s)—Ord. No. 2020-04, § 1, adopted February 18, 2020, in effect repealed § 7-4-10 and enacted a new section, as set out herein. The former section pertained to the designation of the undesirable plant management advisory commission and derived from Ord. 06-01 § 1, adopted 2006.

Editor's Note: Section 35-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.

Sec. 7-4-20. Declaration of nuisance.

Any weeds or brush found growing in any lot or tract of land in the Town are hereby declared to be a nuisance, and it is unlawful to permit any such weeds or brush to grow or remain in any such place.

Sec. 7-4-30. Duty of property owner to cut.

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground all weeds and brush when said weeds and brush grow to a height of twelve (12) inches or more.

Sec. 7-4-40. Removal from Town.

All weeds and brush cut in accordance with Section 7-4-30 hereof shall, immediately upon being cut, be removed from the Town or otherwise entirely destroyed by the owner of the lot upon which the weeds and brush have been cut.

ARTICLE V Trees

Division 1 General Provisions

Sec. 7-5-10. Prohibited trees.

- (a) It is unlawful and deemed a nuisance to sell or import into the Town or plant or cause to be planted within the Town limits any female box-elder tree (*Acer negundo*), female cottonwood trees (*Populus spices*), Siberian elm (*Ulmus pumila*) or other undesirable plants as designated by ordinance upon any property

within the Town, and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance.

- (b) The owner of any property within the Town, upon which any tree listed in Subsection (a) above has been planted after the effective date of the ordinance codified herein, shall cut and remove such tree from his or her property after being given two (2) days' written notice to do so by the Town.
- (c) In case of the failure of any owner of such property to cut and remove such tree as required in Subsection (b) above, the Town shall cut and remove such tree.

(Ord. 06-01 §1, 2006)

Sec. 7-5-20. Trees and limbs in public right-of-way.

It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a danger to public safety shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value.

Sec. 7-5-30. Control of trees and shrubs.

- (a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.
- (b) The Town may give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property to abate any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such rights-of-way or other public property with such unsafe condition. The Town may correct any such unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement.

(Ord. 06-01 §1, 2006; Ord. 09-05 §§1, 2, 2009)

Division 2 Forest Management

Sec. 7-5-110. Purpose.

The purpose of this Division is to preserve the rural mountain character of the Town by minimizing the removal of live trees while protecting the life and property of the residents of the Town by establishing minimum wildfire mitigation standards. The provisions hereof are intended to aid in the prevention and suppression of fires and to lessen the hazards to structures from wildfires as well as the hazards to wildland from structure fires.

Sec. 7-5-120. Definitions.

As used in this Article, the following words or phrases shall have the meanings ascribed below:

Tree crown means the needle- or leaf-bearing part of a tree. The crown edge is the tree's drip edge.
(See Figure 7-1 below.)

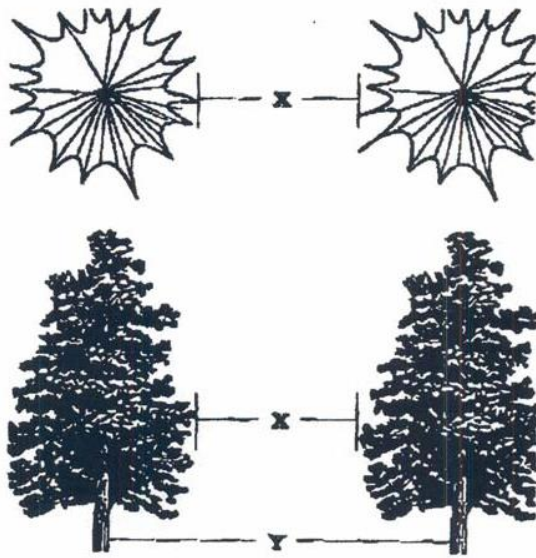


Figure 7-1

Note: X = crown spacing, Y = stem spacing. Do not measure between stems for crown; measure between the edges of tree crowns.

Zones 1, 2 and 3, defensible space, means a designated area surrounding a building or buildings, subject to approved fuel modification measures, intended to reduce fire spread potential between the structure and wildland. *Zone 1* is the area extending thirty (30) feet from the outside combustible plane of a structure, including decks, porches and other attached components of the structure. *Zone 2* is a transition area between Zone 1 and Zone 3. The size of Zone 2 depends on the slope of the ground where the structure is built (see Figure 7-2). Zone 2 typically extends seventy-five (75) feet to one hundred twenty-five (125) feet from the structure. Figure 7-3 details the recommended dimensions based on uphill and downhill slope. Trees in Zone 2 should be thinned to appropriate spacing as calculated from the table in Figure 7-4. Tree branches should be pruned to a height of one (1) foot but no more than one-third ($\frac{1}{3}$) the height of the tree. *Zone 3* is the balance of the property area which extends from the edge of the Zone 2 defensible space to the property boundaries. Copies of Figures 7-2 and 7-3 are available in the Town Clerk's office.

Figure 7-4

(Prior code 3-9-2; Ord. 08-02 §1, 2008)

Sec. 7-5-130. Tree removal prohibited.

Trees shall not be removed within the Town except as follows:

- (1) Land occupancy. Actual land occupied for buildings, plus a space adjacent to the perimeter thereof, comprised of three (3) zones. Zone 1 is the area extending thirty (30) feet from the outside combustible plane of a structure, including decks, porches and other attached components of the structure. Zone 2 is the area extending from the outside perimeter of Zone 1 for a distance calculated using the scale in Figure 7-3. Zone 3 is the balance of the property area extending from the edge of Zone 2 to the property boundaries. Trees may be thinned to a spacing as calculated from the table in Figure 7-4. Removal of trees from Zone 1, Zone 2 or Zone 3 is permitted only pursuant to the

determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and the issuance of a permit.

- (2) Residential lots and off-street parking. On residential lots, trees may be removed, pursuant to the determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and the issuance of a permit, for one (1) entrance driveway. The total width of the area from which trees can be removed for a driveway, including any snow storage area, shall not exceed thirty (30) feet, and an off-street parking area not more than one-third ($\frac{1}{3}$) the size of the total floor area of the principal building on each lot.
- (3) Recreational areas. Trees may be removed to create a recreational area not to exceed ten percent (10%) of the total area of the lot pursuant to the determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and the issuance of a permit.
- (4) Landscaping. If the owner of a lot provides evidence to the Board of Trustees or its designated representative of the necessity for removal of trees for reasons other than set forth hereinabove, including but not limited to landscaping, thinning and wildfire mitigation, trees may be removed for reasons approved by the Board of Trustees.
- (5) Other removal of trees. Diseased or dead trees, trees damaged by natural causes, trees designated for removal described in a forest management plan and trees which interfere with utility lines may be removed pursuant to the determination by the Board of Trustees or its designated representative that such removal is consistent with the policy of this Article and issuance of a permit.

Sec. 7-5-140. New construction.

Any building or other structure for which a certificate of occupancy was issued after the effective date of the ordinance codified herein shall conform with the requirements of Paragraph 7-5-130(1) above, including creation of a Zone 1, a Zone 2 and a Zone 3, except as modified by permit issued by the Board of Trustees or its designated representative. Any modifications shall be based upon the topography of the lot, its proximity to wildland, tree density, surrounding conditions and similar considerations.

Sec. 7-5-150. Defensible space regulation.

All slash and flammable debris shall be removed from Zone 1, except as otherwise allowed by permit issued by the Board of Trustees, except that firewood may be stored as follows: up to ten (10) cubic feet unregulated.

Sec. 7-5-160. Defensible space regulation (new construction).

Any building or other structure for which a certificate of occupancy was issued after the effective date of the ordinance codified herein shall be subject to the following additional regulations:

- (1) Within Zone 1, all trees and shrubs located within thirty (30) feet of a building or other structure shall be removed, except that a tree or shrub may remain within the aforesaid thirty (30) feet of space, provided that the defensible space distance is measured from the tree's drip edge rather than the building plane (so that the tree is considered a part of or an extension of the structure), and provided that the defensible space distance is not limited by a property line.
- (2) Within Zone 2 and Zone 3, trees and shrubs over five (5) feet tall shall have an average crown spacing from tree to tree as calculated using table in Figure 7-4. However, groupings of trees are allowed, provided that all of the crowns in each group of trees are at least ten (10) feet from any structure, and provided that the overall average tree spacing within the defensible space is no less than a distance calculated using the table in Figure 7-4, except that:

- a. Aspen, narrow leaf cottonwoods, willows and other shrubs listed in Colorado State University publication 6.305, "Firewise Plant Materials," may be closer than ten (10) feet from a structure if allowed by permit issued by the Board of Trustees or its designated representative; and
 - b. Closer spacing of any trees may be allowed by permit issued by the Board of Trustees or its designated representative upon determination that a ten-foot average spacing would put the remaining trees at undue risk of wind throw or snow breakage.
- (3) Trees remaining within Zone 2 and Zone 3 shall have their branches pruned to a height of fifteen (15) feet but not more than one-third ($\frac{1}{3}$) of the tree's height, except:
 - a. Aspen trees; and
 - b. Isolated spruce and fir trees that are at least ten (10) feet from any structure, measured from the tree's drip edge.

Sec. 7-5-170. Permits and appeals.

- (a) Any approval of the Board of Trustees or its designated representative required hereunder shall be limited to a definite term and shall be evidenced by a permit issued by the Town Clerk upon payment of a fee of twenty-five dollars (\$25.00). Application for a tree removal permit shall include:
 - (1) A written statement describing the reason for and scope of the request;
 - (2) The location and ownership of the property; and
 - (3) A simple site map indicating the approximate location of the trees to be removed relative to the structures and the property lines.

Trees to be removed must be tagged with orange or red flagging tape. Upon inspection of the property and the tagged trees, a permit may be issued upon a determination by the Board of Trustees that the request is consistent with the policy of this Chapter.

- (b) In the event an application hereunder is denied by the designated representative of the Board of Trustees, an appeal of such denial to the Board of Trustees may be taken by delivery of a notice of appeal to the Town Clerk within ten (10) days of such denial. Any appeal shall be heard by the Board of Trustees de novo.

(Prior code 3-9-7)

Sec. 7-5-180. Penalties for violation.

It is unlawful for any person to remove trees or otherwise to maintain any lot within the Town in violation of the provisions of this Chapter. Any person found guilty of a violation shall be sentenced in accordance with the provisions of Section 1-4-20 of this Code. Each tree removed in violation of this Chapter shall be considered a separate offense. The Municipal Judge shall require as restitution that all trees illegally removed be replaced with trees of like size and variety. If the exact size and variety of trees for replacement are not available, the largest trees available with a total basal area which equals or exceeds the total basal area of the trees removed must be planted. All trees planted in replacement of illegally removed trees pursuant hereto must be maintained in good health for five (5) years (Prior code 3-9-8)

ARTICLE VI Animal Regulations

Division 1 Animal Control and Licensing

Sec. 7-6-10. Short title.

This Article shall be known and cited as the "Animal Control and Licensing Regulations." When citing the provisions of this Article in any summons, subpoena or summons and complaint, it shall be sufficient to make reference to Chapter 7, Article VI, Division 1 of this Municipal Code or "the Animal Control and Licensing Regulations." (Ord. 12-03 §1, 2012)

Sec. 7-6-20. Animal control and licensing regulations adopted by reference.

The following code, as hereinafter amended, is hereby adopted by reference: The Summit County Animal Control and Licensing Regulations of 2013, as adopted by Resolution No. 2013-57, adopted by the Board of County Commissioners on August 27, 2013, as from time to time amended.

(Ord. 12-03 §1, 2012; Ord. No. 2021-10, § 2, 11-30-2021)

Editor's note(s)—Ord. No. 2021-10, § 2, adopted November 30, 2021, amended § 7-6-20 and in so doing changed the title of said section from standard code adopted by reference to read as set out herein.

Sec. 7-6-30. Amendments.

Additions, deletions, amendments and changes to the Summit County Animal Control and Licensing Regulations of 2013, as adopted by reference pursuant to Section 7-6-20, are hereby adopted as follows:

- (1) Section 1, "Board of County Commissioners" is changed to "Board of Trustees."
- (2) Section 2, paragraph 2.3, the definition of "Animal Control" is amended to read as follows: "means the personnel and equipment of the Summit County Animal Control and Shelter Division of the Summit County Sheriff's Office assigned primarily to duties related to the enforcement of these Regulations. Regular officers of the Town of Blue River Police Department may perform any of the functions of Animal Control."
- (3) Section 2, paragraph 2.6, the definition of "Physical Control" is amended to read as follows: "means control of an Animal by means of a tether, or a leash, attached to the Animal and held by a responsible person; voice command control and within ten (10) feet of a responsible person; or, confinement within a locked vehicle or locked enclosure sufficient to prevent the Animal from escaping or making contact with other persons or Animals."
- (4) Section 3, the location of "Summit County" is changed to "Town of Blue River."
- (5) Section 4, in the first sentence, "Summit County" is changed to "Town of Blue River."
- (6) Section 5, in the first sentence, "Summit County" is changed to "Town of Blue River."
- (7) Section 6, is amended to read as follows:

Failure to control a pet animal. It shall be unlawful and considered a failure to Control a Pet Animal when:

- A Pet Animal is off the Owner's Premises without the presence of a person having Physical Control or Immediate Control as defined in these Regulations.
- A Pet Animal becomes a hazard or causes damage to any person or property;

- A Pet Animal is Tethered upon any public or private property without the permission of the person owning, leasing, or otherwise controlling the property in question;
- Any Pet Animal reaches past the perimeter of the Owner's Premises with its teeth or claws causing Bodily Injury or property damage to another being deemed a "vicious animal;"
- Any Pet Animal reaches past the perimeter of the Owner's Premises without the presence of a person having physical control or within ten (10) feet of a person having voice command shall be deemed "animal at large;"
- A Pet Animal is allowed to defecate on public or private property and the Owner or responsible person does not remove the waste in a timely manner;
- A female Pet Animal, during estrus, is not under Physical Control, confined indoors or confined within a Secure Animal Enclosure;
- Any Pet Animal is kept or left in circumstances which constitute Mistreatment, Abandonment or in any circumstance requiring Protective Custody; or
- Any Pet Animal is otherwise determined to be a Public Nuisance.

(8) Section 10.2, is amended to read as follows:

When an Animal has been designated by an Animal Control Officer as a Dangerous or a Potentially Dangerous Animal, the Owner has the right to request an administrative hearing to show cause as to why the animal should not be considered a Dangerous or Potentially Dangerous Animal. Such request must be made in writing within 30 days after the designation. The burden of proof shall be on the Owner to demonstrate that the behavior of the animal does not support the designation of Dangerous or Potentially Dangerous. The Board of Trustees or its designee shall preside at such hearing. Written requests must be made in writing and submitted by mail or personal delivery to: The Blue River Board of Trustees, Attn: Blue River Town Attorney, P.O. Box 1784, Breckenridge, CO 80424.

(9) Sections 15, 17, 18, 23, 28, and Schedule A are deleted.

(10) Section 29 is amended to read as follows: "All fines and forfeitures for violation of the Animal Control and Licensing Regulations shall be deposited in accordance with procedures as approved by the Town Treasurer, and all moneys collected by the County for licenses or other related costs shall be deposited in accordance with procedures as approved by the County Treasurer upon receipt."

(Ord. 12-03 §1, 2012; Ord. 13-05 §1, 2013; Ord. No. 17-02, § 1, 5-16-2017; Ord. No. 2021-10, § 2, 11-30-2021)

Sec. 7-6-40. Violations and penalties.

Any person convicted of violating any of the provisions of the Animal Control and Licensing Regulations shall be punished by a fine as hereinafter provided; provided that each separate act in violation of the provisions of the Animal Control and Licensing Regulations, or each and every day or portion thereof during which any separate act in violation of this Article is committed, continued or permitted, shall be deemed a separate offense. The following fines shall apply to any such violation and shall be levied either through the penalty assessment procedure of C.M.C.R. Rule 210(b)(4), or by the Municipal Court after conviction, in which case the Municipal Court shall also assess the appropriate court costs:

(1) For all violations not involving a dangerous or potentially dangerous animal:

First offense	\$ 50.00
Second offense within 18 months	100.00

Subsequent offense within 18 months 200.00

(2) For all violations involving potentially dangerous animal violations:

First offense	\$150.00
Second offense within 18 months	300.00
Subsequent offense within 18 months	Mandatory court appearance and mandatory minimum fine of \$500.00

(3) For all violations involving a charge of habitual offender, failing to redeem for an animal, failure to pay fines or fees or threatening of livestock or wildlife:

Any offense	Mandatory court appearance and mandatory minimum fine upon conviction of \$300.00, plus associated costs and restitution
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(4) For all violations and subsequent conviction of failure to confine a dangerous animal:

Any offense	Mandatory court appearance and mandatory minimum fine upon conviction of \$500.00, plus associated costs and restitution
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The above-stated fines are minimum penalties, and all violations are subject to the general fine and imprisonment provisions of Section 1-4-20 of this Code.

Division 2 Wildlife Protection

Sec. 7-6-110. Definitions.

The definitions and terms used in this Chapter, unless the context otherwise indicates, are herewith defined as follows:

Wildlife means any medium-to-large nondomestic mammal indigenous to the Town, including but not limited to black bears, mule deer, elk, raccoons, coyotes, beavers, skunks, badgers, bobcats, mountain lions, porcupines and foxes.

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

Sec. 7-6-120. Maintenance and operation of wildlife-resistant refuse containers.

- (a) Wildlife-resistant refuse containers must be kept closed and secure when refuse is not being deposited.
- (b) If a container is damaged, allowing access by bears or other wildlife, repairs must be made within twenty-four (24) hours after written notification by the Chief of Police.

(Prior code 3-8-3; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 7-6-130. Residential refuse disposal.

- (a) Residents unable to keep their refuse container inside the home, garage, building or shed shall store their refuse in a wildlife-resistant refuse container or a refuse container enclosure approved by the Chief of Police. All containers that receive refuse edible by wildlife must be secured inside the home, garage, building or shed. Finally, any refuse container enclosure shall be attached to an existing structure, which structure must first be reviewed and approved by the Board of Trustees.
- (b) Residents, tenants, renters, lessors or occupiers of property within the Town with curbside pickup shall place their refuse containers at the curb only on the day of pickup. After pickup, the containers must be resecured inside the home, garage, building or shed by 6:00 p.m.

(Prior code 3-8-4; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 7-6-140. Construction site refuse disposal.

All construction sites must have a designated container that receives refuse edible by wildlife, in addition to a separate container for nonedible items only. The designated container containing edible items shall be either a wildlife-resistant refuse container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or other building, and kept inside such structures, except on the days of collection, when such containers may be placed outside for pickup.

Sec. 7-6-150. Feeding of wildlife.

- (a) No person shall knowingly leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement of wildlife.
- (b) Birdfeeders are allowed. However, between the dates of April 15 and November 15, all feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below the feeders must be kept free from the accumulation of seed debris.

(Prior code 3-8-6)

Sec. 7-6-160. Interference with Animal Control Officer (Chief of Police).

No person shall interfere with, molest, hinder or impede the Chief of Police in the discharge of his or her duties as herein prescribed, or to violate any of the provisions of this Chapter.

Sec. 7-6-170. Enforcement.

The Chief of Police shall have the power to issue summonses and complaints for violations of this Chapter, as well as to issue warning notices to persons in violation of the provisions of this Chapter.

Sec. 7-6-180. Compliance required and time period.

Any refuse container shall be brought into conformity with the wildlife protection provisions of this Chapter within a period not to exceed sixty (60) days from the effective date hereof. Upon application to the Chief of Police and showing a hardship by any owner of a refuse container required to comply with this Chapter, the Chief of Police may grant an extension, for a reasonable period of time, in which to comply with the provisions of this Chapter.

Sec. 7-6-190. Penalty assessment.

The following penalty assessments are declared to be mandatory and minimum:

(1) Maintenance of wildlife-resistant refuse containers (Section 7-6-120 of this Chapter):

First offense within one \$ 50.00
year
Second offense within one 250.00
year
Third offense within one Summons
year

(2) Residential refuse disposal (Section 7-6-130 of this Chapter):

First offense within one \$ 50.00
year
Second offense within one 250.00
year
Third offense within one Summons
year

(3) Construction site refuse disposal (Section 7-6-140 of this Chapter):

First offense within one \$ 250.00
year
Second offense within one 500.00
year
Third offense within one Summons
year

(4) Feeding of wildlife (Section 7-6-150 of this Chapter):

First offense within one \$ 250.00
year
Second offense within one 500.00

year
Third offense within one Summons
year

(Prior code 3-8-10)

ARTICLE VII Open Burning¹

Sec. 7-7-10. Purpose.

In view of the unique natural surroundings which exist in the Town and in view of the unusual fire danger that exists and threatens the destruction of these unique surroundings, the provisions contained in this Article are enacted to generally prohibit open burning and fires within the Town.

Sec. 7-7-20. Fires restricted.

- (a) There shall be no fires started or maintained, either purposely or accidentally, anywhere within the Town, except as specifically permitted herein.
- (b) The following fires are permitted:
 - (1) Fires within any residence or building within a properly constructed indoor fireplace which meets all existing state, county or local safety requirements.
 - (2) Fires in outdoor grills and barbecue pits, fire bowls and chimineas which have been approved by state, county or local fire officials and which are constructed and designed to prevent fires and hot coals from escaping.

(Prior code 3-3-2; Ord. No. 15-11, § 1, 10-20-2015)

Sec. 7-7-30. Special permit requirements.

- (a) Permit required. All fires not specifically permitted by Section 7-7-20 above are prohibited unless a special permit is obtained pursuant to the procedures outlined herein. It is unlawful to start or maintain, either purposely or accidentally, any fire, other than those permitted herein, without having received a special permit for the same.
- (b) Application for permit; approval or disapproval. An application or special fire permit shall be made in writing to the Red, White and Blue Fire Protection District, stating the location and purpose of such fire and a description of all safety and precautionary measures planned. Within ten (10) days from receipt of the application for special permit, the District shall give its written approval or disapproval of such application. A copy shall be on hand at Blue River Town Hall.

(Prior code 3-3-3; Ord. No. 15-09, § 1, 9-22-2015)

¹ See also Subsection 11-3-40(d) of this Code.

Sec. 7-7-40. Safety precautions.

- (a) Any fires created within the Town, whether specifically permitted herein or created pursuant to a written special permit, shall be attended at all times, and adequate precautionary steps shall be taken to ensure that the fire can be immediately extinguished.
- (b) At a minimum, an adequate water supply or a properly functioning fire extinguisher shall be immediately available in such quantities as to assure that a fire can be immediately extinguished.
- (c) It is unlawful to leave a fire unattended, or to fail to take the safety precautions outlined herein, and both the party starting the fire and any person responsible for attending the fire are equally liable for a violation of this Chapter.

(Prior code 3-3-4)

Sec. 7-7-50. Prohibited acts and conditions.

- (a) Garbage and trash. There shall be no burning of garbage or trash of any kind within the Town.
- (b) Gasoline or kerosene containers. Other than properly installed propane tanks, all gasoline or kerosene containers or other similar combustibles are prohibited within the Town, except in approved containers.
- (c) Fireworks.
 - (1) Unless otherwise permitted as set forth below, the sale, use and possession of fireworks, including fireworks permitted by Section 12-28-101 et seq., C.R.S., is prohibited within the corporate limits of the Town.
 - (2) The Board of Trustees may allow the use of permitted fireworks within the corporate limits of the Town upon such terms and conditions as the Board of Trustees may determine, including but not limited to:
 - a. Limitations as to time;
 - b. Limitations as to location;
 - c. Provision of evidence of insurance and/or surety in an amount to be determined by the Board of Trustees on a case-by-case basis;
 - d. Payment of a permit fee in an amount to be determined by the Board of Trustees on a case-by-case basis;
 - e. Such other terms and conditions as the Board of Trustees may impose on a case-by-case basis.

(Prior code 3-3-5)

Sec. 7-7-60. Presumptions.

- (a) If any grass, brush or forest fire of any kind results from a violation of this Chapter, there shall be a presumption that the fire was unattended and in violation of this Chapter and that the owner of the property where the fire is determined to have originated shall be liable.
- (b) It shall be the obligation of the owner of real property within the Town to provide immediate notice to any tenants or other occupants of that real property of the existence of any emergency declared pursuant to Section 7-7-80 below or declared by any authorized official of the County or the State.

(Prior code 3-3-6; Ord. 12-06 §1, 2012)

Sec. 7-7-70. Remedies.

- (a) In addition to all other penalties provided herein, the Board of Trustees may require any individual who is believed to be violating this Chapter to immediately extinguish a fire and if the person so directed to extinguish a fire fails to do so, a representative of the Board of Trustees may do so immediately without further notice and by any available means.
- (b) In addition to all other penalties and remedies provided herein, the Board of Trustees may, upon inspection, declare and issue a notice that a fireplace, barbecue pit or outdoor grill is unsafe and may not be used for fires of any kind until the same has been made safe and approved by the Board of Trustees.

(Prior code 3-3-7)

Sec. 7-7-80. Emergencies.

The Board of Trustees or its authorized representative is hereby empowered to declare at any time that an emergency exists because of unusual weather or natural conditions which make burning of any kind a hazard. For reference, an emergency may be deemed to exist when there is a forest service manning class of four (4) or greater. The above reference is deemed to be a guideline for determining the existence of an emergency, but shall not be exclusive, and an emergency may be declared whether or not such a rating exists, so long as the Town or its representative has determined that unusual and extremely hazardous fire conditions exist. When such an emergency exists and is declared, no fires of any kind, except indoor fires, shall be permitted until the emergency condition is declared to be over.

Sec. 7-7-90. Penalties.

- (a) It is unlawful for any person to violate any of the provisions of this Chapter, and any person violating the provisions of the Chapter shall be guilty of a misdemeanor and, upon conviction, such person shall be punished by provided in this Section.
- (b) Additionally, any person found guilty of a violation of this Chapter under circumstances where the Town was required to extinguish the fire, the person found guilty of a violation of this Chapter shall be required to reimburse the Town and/or the appropriate fire district for all costs related to extinguishing such fire.
 - (1) For all violations involving violations of this section as it pertains to open burning:
 - First offense: \$500.00
 - Second offense within 30 days: \$1,000.00
 - Subsequent offense within 30 days: \$2,500.00

(Prior code 3-3-9; Ord. No. 18-02, § 1, 7-12-2018)

ARTICLE VIII Exclusive Solid Waste Disposal Site

Sec. 7-8-10. Purpose.

- (a) To promote the state and local solid waste management goals referenced as well as applicable solid waste laws, rules, regulations and policies;
- (b) Encourage more recycling of certain solid waste materials;
- (c) Protect the health, safety and welfare of the public by providing for the long term viability of the Summit County Resource Allocation Park (SCRAP);

- (d) Maintain and enhance the quality of the environment, conserve natural resources and prevent pollution by providing a comprehensive and effective program to regulate solid waste in Summit County; and
- (e) Protect the health, safety, welfare and well-being of the citizens and property owners within Blue River.

(Ord. No. 17-01, § 1, 4-11-2017)

Sec. 7-8-20. Authority

- (a) Section 31-15-103, C.R.S. (concerning municipal police powers).
- (b) Section 31-15-401(1)(a), C.R.S. (concerning the power to pass and enforce all necessary police ordinances).
- (c) Section 31-15-401(1)(b), C.R.S. (concerning the promotion of health or suppression of disease).
- (d) Section 31-15-401(1)(c), C.R.S. (concerning the power to declare what is a nuisance and to abate the same).
- (e) Section 31-15-401(1)(d)(I), C.R.S. (concerning the power to compel removal of rubbish).
- (f) Section 31-15-501(1)(c), C.R.S. (concerning municipal regulation of business).
- (g) Section 30-20-107, C.R.S. (concerning the power to designate an exclusive waste disposal site and facility for the municipality).

(Ord. No. 17-01, § 1, 4-11-2017)

Sec. 7-8-30. Findings

- (a) The Colorado General Assembly has declared that the proper disposal of solid waste is a matter of mixed statewide and local concern. "Optimal solid waste management...should include...local efforts...focused toward the reduction of the volume...of the waste stream...through source reduction, recycling, composting, and similar waste management strategies." The General Assembly also recognized that "improper disposal of solid wastes poses significant public health risks, environmental hazards, and long-term liability for the citizens of the state," Section 30-20-100.5, C.R.S.
- (b) The Town is empowered by Section 31-15-401(1)(d)(I), C.R.S., "to provide for and compel the removal of...rubbish of all kinds from lots and tracts of land within such municipalities...upon such notice, and in such manner as such municipalities prescribe by ordinance..."
- (c) The Town is empowered by Section 30-20-107, C.R.S. to designate and approve by ordinance a solid waste disposal site and facility as its exclusive solid waste disposal site and facility, and thereafter such site and facility shall be used for the disposal of discarded solid waste generated from within its jurisdiction.
- (d) The Town is authorized by Section 31-15-103, C.R.S., "to make and publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into effect or discharging the powers and duties conferred by this title, which are necessary and proper to provide for the safety preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state."
- (e) The Summit County Resource Allocation Park ("SCRAP") is the only licensed solid waste disposal facility located in Summit County and is operated by the County in conjunction with the County's recycling, composting, and other solid waste management programs and facilities on County-owned property within the Summit County Resource Allocation Park Planned Unit Development.
- (f) The Town has the legal authority to adopt ordinances regulating solid waste disposal, including the performance of solid waste hauling services in the Town.

- (g) Persons or companies in the business of hauling discarded solid waste, including recyclable materials, within the Town, through their collection and transportation activities, are able to supply the Town with information necessary for long-term solid waste management planning and therefore should be required to submit annual information about their hauling activities to the Town.
- (h) As required by Section 30-20-107, C.R.S., prior to adopting this Code, the Board of Trustees held a public hearing to review the disposal method to be used at the Summit County Resource Allocation Park (SCRAP). The Trustees find such disposal method to be reasonable and necessary and in the best interest of the public health, safety, and welfare.

(Ord. No. 17-01, § 1, 4-11-2017)

Sec. 7-8-40. Definitions.

For the purpose of this Chapter, the following words, terms, and phrases have the following meanings:

Recyclable materials. Solid waste from any residential, commercial, or other source that is collected separately for the purpose of such material being re-processed into new or different products or packaging materials, provided that such material have been designated by the licensing authority as recyclable.

Recycling. The process of recovering useful materials from solid waste, including items for reuse.

Solid waste. All putrescible and non-putrescible solid wastes discarded from any source including recyclable materials. The term "solid waste" shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumpings; sand, asphalt, concrete, gravel, rock, dirt or other segregated construction materials to be used or reused in any construction project; timber, wood chips or vegetative matter hauled from the property where it is cut; agricultural wastes, solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to licenses under the provisions of the Colorado Water Quality Control Act; materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.; exploration and production waste as defined in Section 34-60-103(4.5), C.R.S., except as such wastes may be deposited at a commercial solid waste facility; excluded scrap metal that is being recycled; shredded circuit boards that are being recycled; discarded or abandoned vehicles or parts thereof; residential appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act of 1987.

Summit County Resource Allocation Park (SCRAP). The solid waste disposal site and facility owned and operated by Summit County, Colorado government, located at 639 Landfill Road, Dillon, Colorado 80435. The County's solid waste drop off facility located at 284 Coyne Valley Road in the Town is part of the SCRAP, and the depositing of solid waste at Coyne Valley Road facility shall be treated as depositing such solid waste at the SCRAP.

Transfer Station. A facility at which refuse, awaiting transportation to disposal site, is transferred from one (1) type of containerized collection receptacle and placed into another or is processed for compaction. "Refuse" means all forms of solid waste, including garbage, rubbish, trash, recyclable materials, and similar material.

Sec. 7-8-50. License required; exemptions:

- (a) No person shall operate as a solid waste hauler within the Town without a current solid waste hauler license issued by Summit County.
- (b) Each licensee shall offer recycling services to its customers.
- (c) The following are not required to obtain a solid waste hauler license:
 - (1) A demolition, construction, or landscaping contractor who produces and transports solid waste in the course of its performance of a project, where the waste produced is merely incidental to the particular

demolition or construction work being performed by such contractor. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP).

- (2) A civic, community, benevolent or charitable nonprofit organization that collects, transports, and markets solid waste for resource recovery solely for the purpose of raising funds of a charitable benevolent, or civic activity.
- (3) A property owner or agent thereof who transports solid waste left by a tenant upon such owner's property, so long as such property owner does not collect, transport, or dispose of solid waste for compensation for tenants on a regular or continuing basis. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP).
- (4) Furniture or appliance vendors and their delivery agents who deliver furniture or appliances sold by such vendor and dispose of the purchaser's used furniture or appliances being replaced by such purchase.
- (5) A person who transports his or her own solid waste, or who transports solid waste for another person without compensation. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP).
- (6) Haulers engaged solely in the transport of discarded materials that are expressly excluded from the definition of solid waste in Section 7-8-40.
- (7) Any other deliver or transportation of solid waste approved by the Board of Trustees.

(Ord. No. 17-01, § 1, 4-11-2017)

Sec. 7-8-60. Designated disposal site.

- (a) The Town designates the Summit County Resource Allocation Park (SCRAP) as the exclusive solid waste disposal site and facility for all solid waste generated within the Town.
- (b) All solid waste generated within the Town shall be disposed of only at the Summit County Resource Allocation Park (SCRAP); provided, however, that upon request the licensing authority may exempt from this requirement, with or without conditions, a solid waste hauler who primarily transports only one (1) category of recyclable material.

(Ord. No. 17-01, § 1, 4-11-2017)

Sec. 7-8-70. Penalties; injunctive relief.

It shall be unlawful and a misdemeanor offense for any person to:

- (1) Operate as a solid waste hauler anywhere within the Town without a valid solid waste hauler license, or to continue to do business during a period of suspension of such license or after such license is revoked.
- (2) Dispose of any solid waste generated within the Town at any location other than the designated disposal site as required by Section 7-8-60.
- (3) Any person convicted of having violated an offense described in this Section shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

Sec. 7-8-80. No town liability.

The adoption of this Code shall not create any duty to any person. No person shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage or loss of any kind arising out of or in any way connected with the issuance of any solid waste hauler license pursuant to this Section. Nothing in this Section shall be construed to create any liability or to waive any immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents.

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CHAPTER 8 Vehicles and Traffic

ARTICLE I Model Traffic Code¹

Sec. 8-1-10. Adoption.

There is hereby adopted by reference the revised 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. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this section and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

(Ord. No. 2020-03, § 1, 3-11-2020)

ARTICLE II Parking Regulations

Sec. 8-2-10. Purpose.

- (a) It is unlawful to park upon any streets or public ways within the Town.

¹Editor's note(s)—Ord. No. 2020-03, § 1, adopted March 11, 2020, repealed Art. I, §§ 8-1-10—8-1-70, and enacted a new Art. I, § 8-1-10, as set out herein. The former article pertained to similar subject matter and derived from Ord. 12-01 § 1, adopted 2012; and Ord. No. 15-03, §§ 1, 2, adopted Feb. 17, 2015.

- (b) Parking or storage of registered vehicles and/or trailers is limited to designated and maintained off-street parking spaces as defined in Section 16-1-10 of this Code. Parking or storage of vehicles or trailers on landscaped areas or any areas other than designated off-street spaces is prohibited.
- (c) There shall be not more than five (5) unenclosed off-street vehicles or trailers of any type regularly parked on the property unless a variance is granted for good cause, depending on the characteristics of the neighborhood, the size of the lot and the associated densities.

(Prior code 4-1-5F; Ord. 08-07 §1, 2008; Ord. 09-06 §1, 2009; Ord. 13-08 §1, 2013; Ord. No. 17-04, § 2, 6-20-2017)

Sec. 8-2-20. Restrictions; permit.

- (a) Except as hereinafter provided, the parking or storage of the following personal property anywhere within the Town is prohibited:
 - (1) Construction vehicles, trailers, materials or equipment, except for sites which have an active building permit.
 - (2) Commercial trucks and trailers and other vehicles used in connection with any home occupation except insofar as the same are used solely for personal purposes.
 - (3) Semi-tractor trailers, gooseneck-type trailers and semi-tractor trucks.
 - (4) Travel trailers, enclosed trailers, mobile homes, vans or campers used for storage, permanent occupancy or temporary permanent occupancy.
 - (5) Snowcats.
- (b) Travel trailers, mobile homes, vans, campers and recreational equipment trailers are permitted in a designated parking space, provided they are operational, and legally registered.
- (c) The parking of the motor vehicles or trailers listed in Subsection (a) above is permitted in a completely enclosed building/garage, or in a designated parking space, so as to not be visible from the street or other public or private property.
- (d) The Chief of Police is authorized to permit the parking of the motor vehicles or trailers listed in Subsection (a) above upon a determination by him or her that there will be no significant impact on adjoining properties, including but not limited to a negative impact on property values or diminution in the appearance or enjoyment of the adjoining property. Any permission hereunder shall be in writing and shall be for a period of time stated in the writing. Any determination hereunder may be reviewed by the Board of Trustees on the request of the Board or any affected person.
- (e) The provisions of Subsection (a) above shall not apply to sites on which are kept vehicles used for road maintenance or snow removal pursuant to a contract with the Town.

(Prior code 4-1-5C, D; Ord. 08-07 §§2, 3, 2008; Ord. 09-03 §1, 2009; Ord. 09-04 §1, 2009; Ord. No. 17-03, § 2, 4-11-2017; Ord. No. 17-04, § 2, 6-20-2017; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 8-2-30. Inoperable vehicles.

Any inoperable vehicle parked on any lot or piece of ground in the Town that is not removed within thirty (30) days after the expiration of its registration, as determined by examining the license plate on the exterior of the vehicle, is a nuisance. A vehicle displaying no state license plate is also a nuisance.

Sec. 8-2-40. Penalties.

It is unlawful for any person to violate any provision of this Section, and any such violation shall be punishable as set forth in Section 1-4-20 of this Code.

ARTICLE III Federal Motor Carrier Safety Regulations

Sec. 8-3-10. Adoption.

Pursuant to Colorado Revised Statutes, Title 31, Article 16, Parts 1 and 2, there is hereby adopted by reference the Federal Motor Carrier Safety Regulations as set forth in Title 39, Parts 40, 325, 350 and 355 through 399, C.F.R. ("Federal Motor Carrier Safety Regulations"), as revised as of March 1, 2017, promulgated and published as such by Labelmaster, 5724 N. Pulaski Road, Chicago, IL 60646. The subject matter of the Federal Motor Carrier Safety Regulations relates primarily to comprehensive traffic control regulations for the Town. The revised March 2017 edition of the Federal Motor Carrier Safety Regulations is adopted as if set out at length herein.

Sec. 8-3-20. Purpose.

The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with federal and state law and generally conforming to similar regulations throughout the State and the Nation.

Sec. 8-3-30. Copy on file.

One (1) copy of the Federal Motor Carrier Safety Regulations adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours.

Sec. 8-3-40. Violations and penalties.

In accordance with the powers to enforce ordinances granted pursuant to state statute, all violations of the Federal Motor Carrier Safety Regulations, as adopted by the Town, shall be punished as provided in Section 1-4-20 of this Code.

ARTICLE IV Snowmobiles²

Sec. 8-4-10. Snowmobiles not permitted.

It is unlawful for any person to operate a snowmobile on any road within the Town.
(Ord. No. 18-01, § 1, 2-20-2018)

Sec. 8-4-20. Penalty for violation.

It is unlawful for any person to violate any of the provisions of this Article. The fine for each violation shall be as provided in Section 1-4-20 of this Code.
(Ord. No. 18-01, § 1, 2-20-2018)

²Editor's note(s)—Ord. No. 18-01, § 1, adopted Feb. 20, 2018, amended the Code by adding provisions designated as Art. III, §§ 8-3-10 and 8-3-20. Inasmuch as there were already provisions so designated, the provisions have been redesignated as Art. IV, §§ 8-4-10 and 8-4-20, at the discretion of the editor.

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CHAPTER 10 General Offenses

ARTICLE I General Provisions

Sec. 10-1-10. Criminal attempt.

- (a) A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he or she engages in conduct constituting a substantial step toward the commission of the offense. A *substantial step* is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.
- (b) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his or her complicity under Section 18-1-603, C.R.S., were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.
- (c) It is an affirmative defense to a charge under this Section that the defendant abandoned his or her effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of this criminal intent.
- (d) Criminal attempt to commit a misdemeanor is a misdemeanor.
- (e) Criminal attempt to commit a petty offense is a crime of the same class as the offense itself.

(Ord. 06-01 §1, 2006)

Sec. 10-1-20. Conspiracy.

- (a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agrees with another person or persons that they, or one (1) or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he or she agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.
- (b) No person may be convicted of conspiracy to commit a crime, unless an overt act in pursuance of that conspiracy is proved to have been done by him or her or by a person with whom he or she conspired.
- (c) If a person knows that one with whom he or she conspires to commit a crime has conspired with another person to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person, whether or not he or she knows the other person's identity.
- (d) If a person conspires to commit a number of crimes, he or she is guilty of only one (1) conspiracy so long as such multiple crimes are part of a single criminal episode.

- (e) Conspiracy to commit a misdemeanor is a misdemeanor.
 - (f) Conspiracy to commit a petty offense is a crime of the same class as the offense itself.
- (Ord. 06-01 §1, 2006)

Sec. 10-1-30. Complicity.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, he or she aids, abets or advises the other person in planning or committing the offense.

Sec. 10-1-40. Accessory to crime.

- (a) A person is an accessory to crime if, with intent to hinder, delay or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he or she renders assistance to such person.
- (b) *Render assistance* means to:
 - (1) Harbor or conceal the other;
 - (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 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 Class 1 petty offense if the offender knows that the person being assisted has committed, 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 by this Code as a misdemeanor of any class.

(Ord. 06-01 §1, 2006)

Sec. 10-1-50. Aiding and abetting.

Every person who commits, attempts to commit, conspires to commit, aids or abets in the commission of any act declared herein to be in violation of the ordinances of the Town, whether individually or in connection with one (1) 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.

ARTICLE II Government and Public Officers

Sec. 10-2-10. Definitions.

For purposes of this Chapter, the following words shall have the meanings ascribed hereafter:

Government includes any branch, subdivision, institution or agency of the government of this Town.

Governmental function includes any activity which a public servant is legally authorized to undertake on behalf of a government.

Public servant means any officer or employee of the government, whether elected or appointed, and any person participating as an advisor or consultant, engaged in the service of process or otherwise performing a governmental function, but the term does not include witnesses.

Sec. 10-2-20. Obstructing government operations.

- (a) It is unlawful to obstruct government operations.
- (b) A person commits obstructing government operations if he or she intentionally obstructs, impairs or hinders the performance of a governmental function by a public official, employee or servant, by using or threatening to use violence, force or physical interference or obstacle.
- (c) It is an affirmative defense that:
 - (1) The obstruction, impairment or hindrance was of unlawful action by a public servant;
 - (2) The obstruction, impairment or hindrance was of the making of an arrest; or
 - (3) The obstruction, impairment or hindrance was by lawful activities in connection with a labor dispute with the government.

(Ord. 06-01 §1, 2006)

Sec. 10-2-30. Impersonating a peace officer.

No person shall impersonate a police officer or any officer of the Town by wearing any uniform or imitation of a uniform, star, badge or other emblem of office or in any other manner.

Sec. 10-2-40. Obstructing a peace officer or firefighter.

- (a) No person shall willfully fail or refuse to comply with any lawful order, signal or direction of a police officer made or given in the discharge of the police officer's duties.
- (b) No person shall, in any way, interfere with or hinder any police officer who is discharging or apparently discharging the duties of the position.
- (c) It is unlawful to obstruct a peace officer or firefighter.
- (d) A person commits obstructing a peace officer or firefighter when, by using or threatening to use violence, force or physical interference or obstacle, such person knowingly obstructs, impairs or hinders the enforcement of the law or the preservation of the peace by a peace officer, acting under color of his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of fire by a firefighter, acting under color of his or her official authority.
- (e) It is no defense to a prosecution under this Section that the peace officer or firefighter was acting in an illegal manner, if the peace officer or firefighter was acting under color of his or her official authority as defined in Subsection 10-2-50(c) below.
- (f) This Section does not apply to obstruction, impairment or hindrance of the making of an arrest.

(Ord. 06-01 §1, 2006)

Sec. 10-2-50. Resisting arrest.

- (a) It is unlawful to resist arrest.
- (b) A person commits resisting arrest if he or she knowingly prevents or attempts to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest of the actor or another by:
 - (1) Using or threatening to use 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.
- (c) It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if the peace officer was acting under color of his or her official authority, and in attempting to make the arrest, the peace officer was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts *under color of his or her official authority* when, in the regular course of assigned duties, the peace officer is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by the peace officer.
- (d) The term *peace officer*, as used in this Section, means a peace officer in uniform or, if out of uniform, one who has identified himself or herself by exhibiting his or her credentials as such peace officer to the person whose arrest is attempted.

(Ord. 06-01 §1, 2006)

Sec. 10-2-60. False reporting to authorities.

- (a) It is unlawful for a person to falsely report to authorities. A person commits false reporting to authorities if he or she:
 - (1) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service or any other government agency which deals with emergencies involving danger to life or property;
 - (2) Makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur;
 - (3) 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 he or she knows that he or she has no such information or knows that the information is false;
 - (4) Knowingly gives false information to any law enforcement officer with the purpose of implicating another; or
 - (5) Provides false identifying information to law enforcement authorities.
- (b) For purposes of this Section, *false identifying information* means a person's name, address, birth date, social security number, driver's license or State identification number.

(Ord. 06-01 §1, 2006)

Sec. 10-2-70. Duty of citizens to aid police officers.

It is the duty of all persons when called upon by a police officer to promptly aid and assist such officer or member in the discharge of his or her duties.

ARTICLE III Streets and Public Places

Sec. 10-3-10. 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 himself or herself 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 limitation of fires and designation of places where fires are permitted.
- (b) No conviction may be obtained under this Section unless notice of such limitation or prohibition 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.

(Ord. 06-01 §1, 2006)

Sec. 10-3-20. Trespass or interference in public buildings.

- (a) No person shall so conduct himself or herself at or in any public building owned, operated or controlled by the Town as to willfully deny to any public official, public employee or invitee 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 Town officer 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, includes any premises being temporarily used by a public officer or employee in the discharge of his or her official duties.
- (g) Any person who violates any of the provisions of this Section commits an unlawful act.

(Ord. 06-01 §1, 2006)

Sec. 10-3-30. Interfering with use of streets or sidewalks.

It is 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 prevent 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.

Sec. 10-3-40. Damage or removal of street signs.

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

ARTICLE IV Public, Private and Personal Property

Sec. 10-4-10. Criminal mischief.

It is unlawful for any person to knowingly damage the real or personal property of one (1) or more other persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than five hundred dollars (\$500.00).

Sec. 10-4-20. Damaging or destroying public property.

It is unlawful for any person to either willfully, maliciously, wantonly, negligently or in any other manner damage or destroy real property, improvements thereto or moveable or personal property belonging to the Town.

Sec. 10-4-30. Damaging or destroying private property.

It is unlawful for any person to either willfully, maliciously or wantonly damage or destroy real property or improvements thereto, or moveable or personal property, belonging to any person.

Sec. 10-4-40. Trespassing.

- (a) Definition. For the purposes of this Section, *premises* means any real estate and all improvements erected thereon.

(b) General provisions.

- (1) A person unlawfully enters or remains in or upon premises when he or she is not licensed, invited or otherwise privileged to do so.
 - (2) A person who, regardless of his or her intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner or some other authorized person.
 - (3) A license or privilege to enter or remain on the premises which are only partly open to the public is not a license or privilege to enter or remain in that part of the premises which is not open to the public.
 - (4) A person who enters or remains upon unimproved and apparently unused land which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege, unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person or unless notice forbidding entry is given by posting with signs at intervals of not more than four hundred forty (440) yards along the outer boundary of the property or, if there is a readily identifiable entrance to the land, by posting with signs at such entrance to the premises or the forbidden part of the premises.
- (c) Trespasses prohibited. It is unlawful for any person to commit criminal trespass. A person commits criminal trespass if he or she enters or remains in or upon premises of another without the consent of the owner, occupant or person in charge thereof.
- (d) Damage to signs. It is unlawful for any person to knowingly mar, destroy, deface, tamper with or remove any posted notice or sign authorized by law.
- (e) Trespass prevention. In order to aid in the enforcement of this Section, the owner or person having legal possession and control of the premises, or his or her designated agent, may temporarily close, barricade or otherwise prevent use of any entrance, driveway or other means of access to the premises and erect barriers to interrupt the flow of traffic, so long as such actions do not interfere with fire protection and other public safety functions of the Town.
- (f) Penalty. It is unlawful for any person to violate any provision of this Section. Any person convicted of a violation of this Section shall be punished by a fine as provided in Section 1-4-20 of this Code.

(Prior code 3-6-3; Ord. 06-01 §1, 2006)

Sec. 10-4-50. Use of trash or refuse containers.

It is unlawful for any person to use or cause to be used in any way any trash or refuse container which is the property of another or to which such person has no rights of use. It is unlawful to deposit any trash or refuse in any trash or refuse container without authority to use such container. Any person found guilty of violating the provisions of this Section shall be fined as provided in Section 1-4-20 of this Code.

Sec. 10-4-60. Littering.

- (a) It is unlawful to throw or deposit in any street, alley, sidewalk or public grounds in the Town any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw, hay, trash or any other thing, except in public receptacles and authorized private receptacles.
- (b) It is unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town or upon private property.

(Ord. 06-01 §1, 2006)

Sec. 10-4-70. Theft.

It is unlawful for a person to commit theft. A person commits theft when he or she 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 five hundred dollars (\$500.00), 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 he or she is not legally entitled as a condition of restoring the thing of value to the other person.

Sec. 10-4-80. Theft of rental property.

It is unlawful for a person to commit theft of rental property. A person commits theft of rental property if he or she:

- (1) Obtains the temporary use of personal property of another, which is available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the personal property;
- (2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fails to reveal the whereabouts of or to return the property to the owner thereof or his or her representative or to the person from whom he or she has received it within seventy-two (72) hours after the time at which he or she agreed to return it; and
- (3) The value of the property involved is less than five hundred dollars (\$500.00).

Sec. 10-4-90. Theft by receiving.

It is unlawful to commit theft by receiving. A person commits theft by receiving when he or she 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 he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value, where the value of such thing is less than five hundred dollars (\$500.00).

Sec. 10-4-100. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than five hundred dollars (\$500.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on his or her 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.

Sec. 10-4-110. 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 he or she 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.

(Ord. 06-01 §1, 2006)

ARTICLE V Public Peace, Order and Decency

Sec. 10-5-10. Disorderly conduct.

A person commits disorderly conduct if he or she 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 he or she 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 deadly weapon in a public place except when engaged in lawful target practice or hunting; or
- (5) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

Sec. 10-5-20. Disrupting lawful assembly.

A person commits disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance or any other means.

Sec. 10-5-30. Harassment.

- (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 him or her 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;
 - (4) Initiates communication with a person, anonymously or otherwise, by telephone, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage,

or makes any comment, request, suggestion or proposal by telephone, computer, computer network or computer system 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) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
 - (7) Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response.
- (b) As used in this Section, unless the context otherwise requires, *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) Any act prohibited by subparagraph (a)(4) above may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail or other electronic communication was either made or received.

(Ord. 06-01 §1, 2006)

Sec. 10-5-40. Loitering.

- (a) The word *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place.
- (b) A person commits a Class 1 petty offense if he or she:
- (1) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;
 - (2) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;
 - (3) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific legitimate reason for being there, and having been asked to leave by a school administrator or his or her representative or by a peace officer; or
 - (4) Loiters with one (1) or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-7-10 of this Chapter.
- (c) It is an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as part of a peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

(Ord. 06-01 §1, 2006; Ord. No. 18-03, § 1, 9-18-2018)

Sec. 10-5-50. Assault.

- (a) An assault is an unlawful attempt of a person, coupled with a present ability, to commit a bodily injury on another person.
- (b) It is unlawful to assault, beat, strike, wound, imprison or inflict violence on another.

(Ord. 06-01 §1, 2006)

Sec. 10-5-60. False alarms.

Any person who shall intentionally make or give a false alarm of fire shall be deemed guilty of a misdemeanor.

Sec. 10-5-70. False alarm regulation.

- (a) The following code, as hereinafter amended, is hereby adopted by reference: Ordinance No. 16, AN ORDINANCE PERTAINING TO THE REGULATION OF FALSE ALARMS IN THE UNINCORPORATED TERRITORY OF SUMMIT COUNTY, as from time to time amended ("Summit County False Alarm Regulation").
- (b) Any person convicted of violating any of the provisions of the Summit County False Alarm Regulation shall be punished by a fine as hereinafter provided. The following fines shall apply to any such violation and shall be levied either through the penalty assessment procedure of Rule 210(b)(4), Colorado Municipal Court Rules, or by the Court after conviction, in which case the Court shall also assess the appropriate court costs:

First offense:	\$ 150.00
Second offense:	500.00
Subsequent offenses:	1,000.00

(Prior code 3-6-2; Ord. 06-02 §1, 2006)

Sec. 10-5-80. Storage of flammable liquids.

It is 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.

Sec. 10-5-90. Explosives.

It is unlawful for any person to store within the Town limits or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosive in excess of one (1) fifty-pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives.

Sec. 10-5-100. Abandoned containers and appliances.

It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, structure or dwelling under his or her control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, washer, dryer, freezer or other container or appliance which has a door, lid, snap lock or other locking device which may not be released from the inside, without first removing said door, lid, snap lock or other locking device.

Sec. 10-5-110. Throwing 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.

Sec. 10-5-120. Fraud by check.

- (a) As used in this Section, unless the context otherwise requires:

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. *Check*, for the purposes of this Section only, also includes a negotiable order of withdrawal and a share draft.

Drawee means the bank upon which a check is drawn or a bank, savings and loan association, industrial bank or credit union on which a negotiable order of withdrawal or a share draft is drawn.

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 himself or herself or of a person authorized to draw the check on himself or herself.

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.

Issue. A person issues a check when he or she makes, draws, delivers or passes it or causes it to be made, drawn, delivered or passed.

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.

Negotiable order of withdrawal account means an account in a bank, savings and loan association or industrial bank, 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, industrial bank or credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty (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 he or she has insufficient funds with the drawee who, with intent to defraud, issues a check for a sum less than five hundred dollars (\$500.00) 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 he or she 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 may require the defendant to make restitution on all checks issued by the defendant which 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, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to a sheriff, deputy sheriff, undersheriff, police officer,

district attorney, assistant district attorney, deputy district attorney or authorized investigator for a district attorney 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) He or she 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) He or she has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue.

(Ord. 06-01 §1, 2006)

Sec. 10-5-130. Public indecency.

It is unlawful to commit public indecency. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

- (1) An act of sexual intercourse or deviate sexual intercourse;
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or
- (3) A lewd fondling or caress of the body of another person.

Sec. 10-5-140. Indecent exposure.

It is unlawful for a person to knowingly expose his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

ARTICLE VI Minors

Sec. 10-6-10. Parent or guardian aiding, abetting.

It is unlawful for any person to knowingly permit any minor child, or to aid, abet, approve, encourage, allow, permit, tolerate or consent to the violation by any minor child of any provision of this Article or any ordinances of the Town.

Sec. 10-6-20. Encouraging delinquency.

It is unlawful for any person, by any act or 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.

Sec. 10-6-30. False statement; false credentials.

It is unlawful for any person under twenty-one (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 as defined in this Chapter.

Sec. 10-6-40. Services of others.

It is unlawful for any person under the age of twenty-one (21) years to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the person under the age of twenty-one (21) years is forbidden by law to purchase.

Sec. 10-6-50. Loitering and other acts around schools.

It is 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 employees thereof, or 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 himself or herself 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.

ARTICLE VII Alcoholic Beverages and Drugs

Sec. 10-7-10. Definitions.

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

Alcoholic beverage or alcoholic liquor means fermented malt beverage or malt, vinous or spirituous liquors.

Controlled substance means a drug or other substance or an immediate precursor which is declared to be a controlled substance under this Article, and also includes marijuana, marijuana concentrate and cocaine.

Drug paraphernalia means any machine, instrument, tool, equipment or device which is primarily designed and intended for one (1) or more of the following:

- a. To introduce into the human body any controlled substance under circumstances in violation of state law;
- b. To enhance the effect on the human body of any controlled substance under circumstances in violation of state law;
- c. To conceal any quantity of any controlled substance under circumstances in violation of state law; or
- d. To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of state law.

Fermented malt beverage means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water containing not

less than one-half of one percent (0.5%) and not more than three and two-tenths percent (3.2%) alcohol by weight.

Malt liquor includes beer and shall be construed to mean 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 more than three and two-tenths percent (3.2%) of alcohol by weight.

Marihuana or *marijuana* means all parts of the plant *cannabis sativa L.*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin. It does not include the mature stalks of the plant, the fiber produced from the stalks, oil or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart from any other item defined as *marijuana* herein.

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. *Private property* shall not include:

- a. Any establishment which has or is required to have a license pursuant to Article 46, 47 or 48 of Title 12, C.R.S.;
- b. Any establishment which sells alcoholic beverages or upon which alcoholic beverages are sold; or
- c. Any establishment which leases, rents or provides accommodations to members of the public generally.

Public place means any place commonly or usually open to the general public or to which members of the general public may resort, or accessible to members of the general public. By way of illustration, such public places include but are not limited to public ways, streets, buildings, sidewalks, alleys, parking lots, shopping centers, shopping center malls, places of business usually open to the general public and automobiles or other vehicles in or upon any such place or places, but shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments.

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 and every liquid or solid, patented or not, containing at least one-half of one percent (0.5%) alcohol 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.

Vinous liquor means wine and fortified wines which contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

Sec. 10-7-20. Alcohol-related violations.

- (a) It is unlawful for any person under the age of twenty-one (21) years to possess or consume, whether actual or constructive, fermented malt beverage or malt, vinous or spirituous liquors.
- (b) It is unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any fermented malt beverage or malt, vinous or spirituous liquors.

(Ord. 06-01 §1, 2006)

Sec. 10-7-30. Illegal possession or consumption of alcoholic beverages by an underage person.

- (a) Any person under twenty-one (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.
- (b) It is an affirmative defense to the offense described in Subsection (a) above that the alcoholic beverages were possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:
 - (1) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the alcoholic beverages were possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption; or
 - (2) When the existence of alcoholic beverages in a person's body was due solely to the ingestion of a confectionery which contained alcoholic beverages within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes or solely from the ingestion of a beverage which contained less than one-half of one percent (0.5%) of alcoholic beverages by weight.
- (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 to the United States Constitution.
- (d) Prima facie evidence of a violation of Subsection (a) above shall consist of:
 - (1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed alcoholic beverages anywhere in this State; or
 - (2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with alcoholic beverage intoxication or impairment while present anywhere in this State.
- (e) During any trial for a violation of Subsection (a) above, any bottle, can or 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.
- (f) A parent or legal guardian of a person under twenty-one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption of, alcoholic beverages to or by a person under the age of twenty-one (21) years under the conditions described in Subsection (b)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Article 46, 47 or 48 of Title 12, C.R.S., or any members, employees or occupants of any such establishment to give, provide, make available or sell alcoholic beverages to a person under twenty-one (21) years of age.

(Ord. 06-01 §1, 2006)

Sec. 10-7-40. Sales near schools.

It is unlawful for any person to sell, offer or expose for sale or gift any fermented malt beverage or any vinous, spirituous or malt liquors within a distance of two hundred fifty (250) feet from any private, public or parochial school, said distance to be computed by direct measurement from the nearest property lines. 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.

Sec. 10-7-50. Alcoholic beverages in certain places.

- (a) No person shall carry or have any open containers of alcoholic beverages on any street, sidewalk, alley or other public place, in any automobile or on the grounds or in the facilities of any public or private school, college or university except where authorized by the governing authority of such institution.
- (b) No person shall drink any alcoholic beverages in or on any of the above enumerated places.
- (c) The foregoing prohibitions shall not apply to any place duly licensed for the sale of alcoholic beverages.

(Ord. 06-01 §1, 2006)

Sec. 10-7-60. Open container.

It is unlawful for any person to possess or consume by open container any alcoholic beverage, whether such possession is actual or constructive, in any public place as defined in Section 10-7-10 of this Chapter, upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town; provided, however, that it shall not be a violation of this provision to store or consume any alcoholic beverage in conformance with, and pursuant to the terms of, any validly issued permit or license. For the purpose of this Subsection, an unsealed or open container shall not include a container of vinous liquor that has been resealed pursuant to the provisions of Section 12-47-411(3.5), C.R.S., and is clearly recognizable to a police officer as a container that has been resealed by the hotel or restaurant license holder.

Sec. 10-7-70. Possession of drug paraphernalia.

- (a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and intends to use the drug paraphernalia under circumstances in violation of state law.
- (b) Any person who commits possession of drug paraphernalia commits a Class 2 petty offense.

(Ord. 06-01 §1, 2006)

Sec. 10-7-80. Possession of marijuana.

- (a) Any person who knowingly possesses not more than one (1) ounce of marijuana commits a criminal offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00).
- (b) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written

promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer. Any person who does not honor such written promise to appear commits the offense of failure to appear and, upon conviction, shall be punished as set forth in Section 1-4-20 of this Code.

- (c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a maximum, by a fine of not more than three hundred dollars (\$300.00) and, notwithstanding the provisions of Subsection (b) above, by fifteen (15) days in jail.
- (d) A violation of this Section is a Class A municipal offense. Penalties for this violation are set forth in Section 1-4-20 of this Code.
- (e) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(Ord. 06-01 §1, 2006)

Sec. 10-7-90. Abusing toxic vapors.

- (a) As used in this Section, the term *toxic vapors* means the following substances or products containing such substances: alcohols, including methyl, isopropyl, propyl or butyl; aliphatic acetates, including ethyl, methyl, propyl or methyl cellosolve acetate; acetone; benzene; carbon tetrachloride; cyclohexane; Freons, including Freon 11 and Freon 12; hexane; methyl ethyl ketone; methyl isobutyl ketone; naphtha; perchlorethylene; toluene; trichloroethane or xylene.
- (b) No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system. No person shall knowingly possess, buy or use any such substance for the purposes described in this Section. This Subsection shall not apply to the inhalation of anesthesia for medical or dental purposes.
- (c) It is unlawful for any person knowingly to sell, offer for sale, deliver or give away to any other person any substance or product releasing toxic vapors, where the seller, offeror or deliverer knows or has reason to believe that such substance will be used for the purpose of inducing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system.
- (d) In a prosecution for a violation of this Section, evidence that a container lists one (1) or more of the substances described in Subsection (a) above as one (1) of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

(Ord. 06-01 §1, 2006)

ARTICLE VIII Weapons

Sec. 10-8-10. Definitions.

- (a) As used in this Article, unless the context otherwise requires, the following definitions shall apply:

Ballistic knife means any knife that has a blade which is forcefully projected from the handle by means of a spring-loaded device or explosive charge.

BB gun means an instrument, device, or weapon that that uses air pressure to propel one (1) or more pellet(s), shot(s), stone(s), ball(s), or other densely packed mass.

Blackjack 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 the force of impact.

Bomb means any explosive or incendiary device or Molotov cocktail as defined in Section 9-7-103, C.R.S., or any chemical device which causes or can cause an explosion, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

Bow and arrow means and includes any device or weapon consisting of a stave made of wood, plastic, fiberglass, or other resilient or elastic material, bent and held in tension by a string or cord for the purpose of propelling, launching, throwing, or projecting any form of shaft or arrow with or without a feathered tail. Bow and arrow includes a crossbow.

Firearm means and includes any handgun, automatic, pistol, revolver, rifle, or shotgun which may be used for the explosion of cartridges, or any stun gun, air gun, gas gun, spring gun, BB gun, pellet gun, or other instrument, device, or weapon of any description or name capable or intended to be capable of shooting, projecting, discharging any form of projectile, shot, bullet, or other object.

Firearm silencer means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

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 device.

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.

Handgun means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, does not exceed twelve (12) inches.

Knife means any dagger, dirk, ballistic knife, gravity knife, switchblade knife, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds; but does not include a knife, other than a ballistic knife, gravity knife, or switchblade knife, in possession of a person while engaged in hunting or fishing. The issue that a knife is in possession of a person while engaged in hunting or fishing must be raised as an affirmative defense.

Machine gun means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

Nunchaku means an instrument consisting of two (2) 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.

Pellet gun means an instrument, device, or weapon that propels a pellet, shot, stone, ball, or other densely packed mass by use of a compressed spring, rather than an explosion of gunpowder or other means.

Rifle means a long-barreled firearm designed to be fired from the shoulder often incorporating a rifled or grooved interior barrel. A rifle includes a rifle with a barrel that is cut or otherwise modified to shorten the length of the weapon.

Shotgun means a long-barreled firearm designed to shoot a straight-walled cartridge or shotshell which usually discharges numerous small pellet-like spherical projectiles often called shot, or a single solid projectile often called a slug. A shotgun includes a shotgun with a barrel that is cut or otherwise modified to shorten the length of the weapon.

Stun gun means a device capable of temporarily immobilizing a person by the infliction of an electrical charge.

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.

Throwing star means a disk having sharp radiating points or any disk-shaped bladed object which is handheld and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

- (b) It is an affirmative defense to any provision of this Article, that the act was committed by a peace officer in the lawful discharge of his or her duties.

(Ord. 06-01 §1, 2006; Ord. No. 2022-05, § 1, 2, 9-20-2022)

Sec. 10-8-20. Carrying concealed weapon; forfeiture.

- (a) It is unlawful for any person to carry a knife (as defined in Section 18-12-101(f), C.R.S.) or firearm concealed on or about his or her person. It shall not be an offense if the defendant was:
- (1) A person in his or her own dwelling or on property owned or under his or her control at the time of the act of carrying;
 - (2) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another person's person or property while traveling;
 - (3) A person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to Section 18-12-105.1, C.R.S., as it existed prior to its repeal or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of Article 12, Title 18, C.R.S., except that it shall be an offense under this Section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214, C.R.S.;
 - (4) A peace officer, as described in Section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in Section 16-2.5-101(2), C.R.S.; or
 - (5) A United States probation officer or a United States pretrial services officer while on duty and serving in the Town under the authority of rules and regulations promulgated by the judicial conference of the United States.
- (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 Subsection (a) above, and shall be subject to forfeiture to the Town as provided in Subsection (c) below.

- (c) Every person convicted of any violation of this Section shall forfeit to the Town such dangerous or deadly weapon so concealed or displayed.

(Ord. 06-01 §1, 2006; Ord. 08-05 §§1, 2, 2008)

Sec. 10-8-30. Disposition of confiscated concealed weapons.

It is the duty of every police officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the weapon to the Municipal Judge, to be held by him or her until the final determination of the prosecution for said offense, and upon the finding of guilt, it shall then be the duty of the Municipal Judge to deliver said weapon forthwith to the Chief of Police, who shall make disposition of the weapon.

Sec. 10-8-40. Prohibited use of weapons.

- (a) It shall be unlawful and a violation of the Municipal Code to:
- (1) Knowingly and unlawfully aims a firearm or bow and arrow 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, bomb, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;
 - (4) Has in his or her possession a firearm while he or she is under the influence of intoxicating liquor or of a controlled substance. Possession of a permit issued under Section 18-12-105(2)(c), C.R.S., is no defense to a violation of this Section; or
 - (5) Knowingly aims, swings or throws a throwing star or nunchaku at another person, or 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.
- (b) It shall be unlawful and a violation of the Municipal Code to discharge, shoot, or operate whether intentionally, recklessly, or negligently, a firearm or a bow and arrow within the Town, except as follows:
- (1) Nothing contained in this Section shall prevent the use of a firearm or a bow and arrow within a lawfully established and Town approved shooting gallery or shooting range when such instrument can be fired, discharged, or operated in a manner as to not endanger persons or property.
 - (2) Nothing contained in this Section shall prevent the use of any such instruments by any peace officer as shall be necessary in the proper discharge of the officer's duties.
 - (3) Nothing contained in this Section shall prohibit the shooting, operation, or use of a bow and arrow when such shooting, operation, or use is conducted in a manner that:
 - a. Is wholly contained within a lot or parcel with the owner's consent;
 - b. Is conducted in a manner that will reasonably prevent the arrow from leaving the boundaries of the lot or parcel;
 - c. Is directed at an inanimate target located to prevent an errant arrow from contacting a building, deck, patio, recreation area, or other structures or areas authorized for habitation.
 - (4) Nothing contained in this Section shall prohibit the shooting, operation, or use of a BB gun or a pellet gun when such shooting, operation, or use is conducted in a manner that:
 - a. Is wholly contained within a lot or parcel with the owner's consent;

- b. Is conducted in a manner that will reasonably prevent a projectile from leaving the boundaries of the lot or parcel;
 - c. Is directed at an inanimate target located to prevent an errant projectile from contacting a building, deck, patio, recreation area, or other structures or areas authorized for habitation.
- (5) Nothing contained in this Section shall be applied to render unlawful the use of an instrument regulated by this Article when such use is determined by the Chief of Police or by a court of competent jurisdiction to be reasonable and necessary in self-defense or defense of others.
- (6) Nothing contained in this Section shall prevent the use of any instruments regulated by this Article by the personnel of law enforcement agencies of the United States, the State of Colorado, county sheriffs' offices, or municipal police departments as such use is reasonable, necessary, and appropriate in the proper discharge of such personnel's authorized duties.

(Ord. 06-01 §1, 2006; Ord. No. 2022-05, § 3, 9-20-2022)

Sec. 10-8-50 Prohibited hunting, trapping, and poisoning of animals.

- (a) It is unlawful to feed, hunt, pursue, molest, harass, catch, harm, or kill any wildlife within the Town limits, whether the wildlife is located upon public or private property. This prohibition does not apply to:
 - (1) Fishing with a valid license in compliance with federal, state, and local laws.
 - (2) Use of a bird feeder during daylight hours on private property by the property owner or with the property owner's consent.
- (b) It is unlawful to set, or cause to be set within the Town, any trap, snare, or mechanical device for the purpose of holding, capturing, or killing an animal or animals. This prohibition does not apply to:
 - (1) Setting a trap with the intent to trap rodents by means of a trap, snare, or mechanical device specifically designed to trap such animals by the owner of the property or an individual who has obtained the express consent of the owner or adult occupant of the property on which the trap is set. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
 - (2) Use of a trap or restraint by the owner or occupant of such property, by the agent of such owner or occupant, or by an authorized public officer, by means of a snare or mechanical device designed not to injure or harm the animal, which are known variously by the names, among others, of "cage trap," "cage-door trap," or "live trap," if an animal is causing damage, injury, or destruction to private property.
- (c) It is unlawful for any person to place, maintain, or permit the use of a poisonous bait upon any property, public or private, within the Town. For the purposes of this Section, poisonous baits are defined as substances attractive to animals as food, to which lethal poisons are added for the purpose of killing those animals which ingest them. This prohibition does not apply to:
 - (1) Use of a poisonous bait specifically designed for rodents if the bait is used within a building or structure that is not generally accessible to large wildlife such as deer, elk, bear, racoon, or fox. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
- (d) The prohibitions of these subsections (a)—(c) do not apply to any public officer or official of a police, fire, or animal control agency, the Town, the State of Colorado, or the United States, when such person is acting within the scope of his or her official duties.

(Ord. No. 2022-08, § 2, 11-15-2022)

Editor's note(s)—Ord. No 2022-08, § 2, adopted Nov., 15, 2022, renumbered the former § 10-8-50 as § 10-8-60 and enacted a new § 10-8-50 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 10-8-60. Selling weapons to intoxicated persons.

- (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 any person under the influence of alcohol or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.
- (b) Such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the Town to such person.

(Ord. 06-01 §1, 2006)

(Ord. No. 2022-08, § 1, 11-15-2022)

Editor's note(s)—See editor's note at 10-8-50.

Sec. 10-8-70. Minimum penalty.

- (a) Each violation of this Article shall be subject to the following minimum penalty:
 - (1) For the first violation: Five hundred dollars (\$500.00);
 - (2) For the second violation: One thousand dollars (\$1,000); and
 - (3) For the third and each subsequent violation: Two thousand seven hundred dollars (\$2,700) or the maximum penalty authorized by Section 13-10-113, C.R.S., whichever is higher.
- (b) Such penalties shall be in addition to any other penalty authorized by Article IV of Chapter 1 of the Municipal Code including payment of court costs, expenses, and restitution, as deemed appropriate by Town policy or by the Municipal Court.

(Ord. No. 2022-05, § 4, 9-20-2022)

Editor's note(s)—Ord. No. 2022-05, § 4, adopted Sep., 20, 2022, set out provisions intended for use as § 10-8-60. Inasmuch as there were already provisions so designated, said section has been codified herein as § 10-8-70 at the discretion of the editor.

ARTICLE IX Miscellaneous Provisions

Sec. 10-9-10. Noise prohibited.

- (a) Prohibited act. The making and creating of an excessive or an unusually loud noise at any location within the Town heard and measured in a manner hereinafter set forth, shall be unlawful.
- (b) Definitions. An "excessive" or "unusually loud noise" shall be defined as follows:
 - (1) Noise of any duration which exceeds the allowable noise limit for the zone in which the noise source is located by fifteen (15) decibels.

- (2) A noise, one (1) minute or more in duration out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by ten (10) decibels.
- (3) A noise of five (5) minutes in duration and a total of five (5) minutes out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by three (3) decibels.
- (c) Sound measurement standard. For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this Section, the noise shall be measured on a decibel or sound level meter of standard design and quality operated on the A-weighting scale.
 - (1) If the noise source is located on private property, the noise shall be measured at or beyond the property line of the property on which the noise source is located.
 - (2) If the noise source is located on public property, the noise shall be measured no closer than ten (10) feet from the noise source.
- (d) Exceptions. The maximum permissible noise limits for the times and zones specified in Subsection (d) of this Section shall not apply to sound emitted from the following:
 - (1) Any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency;
 - (2) Any construction equipment operated upon a residential, commercial, industrial, or public premises during the time period between 7:00 a.m. and 7:00 p.m.; provided, however, that the operation of the construction equipment during the hours of 7:00 a.m. and 7:00 p.m. shall not exceed ninety (90) decibels.
- (e) Motor vehicle noise.
 - (1) No person shall operate nor shall the owner permit the operation of any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the following noise levels for the category of motor vehicle and for the designated time period specified in the table set forth below. The standards set forth in this table shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any conditions of acceleration, deceleration, idle, greater load, and whether or not in motion. Maximum allowable noise levels for motor vehicles shall be as follows:

Type of Vehicle	Time Period	Maximum Allowable Noise Levels	Measurement Distance From Vehicle
Vehicles weighing less than 10,000 pounds manufacturer's gross vehicle weight	Any time	80 decibels	25 feet
Vehicles weighing more than 10,000 pounds manufacturer's gross vehicle weight	Any time	90 decibels	25 feet

- (2) Exhaust muffler. It is unlawful for any person to drive or move or for the owner of any motor vehicle to permit to be driven or moved, any motor vehicle or combination of motor vehicles at any time which is not equipped with an exhaust muffler. It is unlawful for any person or for the owner of any motor vehicle to change or modify the exhaust muffler, air intake muffler, or any other sound-reducing device in such a manner that the noise emitted from the motor vehicle:
 - a. Exceeds the noise levels as established in the maximum allowable noise level table for motor vehicles; or
 - b. Is increased above the sound pressure level of the vehicle as originally manufactured.

(Ord. No. 17-05, § 1, 7-18-2017)

Editor's note(s)—Ord. No. 17-05, § 1, adopted July 18, 2017, was codified as 10-9-10 at the editor's discretion with the approval of the city, as it superceded the information published previously that derived from Ord. 06-01 § 1, adopted in 2006.

Sec. 10-9-20. Animals.

It is unlawful for any person to use, keep, have in his or her possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood; provided, however, that the provisions of this Section shall not apply to hospitals licensed for the treatment of small animals or to premises occupied or used by the Town animal shelter.

Sec. 10-9-30. Sirens, whistles, gongs and red lights.

It is unlawful for any person to carry or use upon a vehicle, other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the police and fire departments.

Sec. 10-9-40. Operation of aircraft.

Except in emergency situations, it is unlawful for any aircraft capable of carrying crew or passengers, including but not limited to helicopters and fixed-wing aircraft, to land, take off or refuel within the boundaries of the Town without the prior written approval of the Board of Trustees.

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CHAPTER 11 Streets, Sidewalks and Public Property

ARTICLE I Streets and Sidewalks

Sec. 11-1-10. Repair and maintenance.

The owner, occupant, lessee or person in possession or control of any premises or property shall maintain the sidewalks adjoining such premises or property in good repair and in a safe, unobstructed condition, free of snow, weeds and debris.

Sec. 11-1-20. Snow and ice removal from sidewalks.

- (a) Every owner or occupant of any premises within the Town having a sidewalk on or adjacent to the premises shall have the duty to keep the sidewalk clean of snow and ice.
- (b) All snow and ice shall be removed within twenty-four (24) hours of accumulation.
- (c) For purposes of this Section, *premises* shall mean any lot, parcel, outlot or other subdivision of real property, whether occupied or not, and whether or not a structure exists on the lot, parcel, outlot or other subdivision.

(Ord. 06-01 §1, 2006)

Sec. 11-1-30. Snow removal from driveways.

- (a) It is unlawful for any person in the Town to clear snow from a driveway in such a way that it in any way interferes with the normal use of or plowing of the roads or to cause or permit the same to be done. All snow cleared from a driveway must be retained on the lot containing the driveway or transported to an authorized dumping area.
- (b) Any person who violates this Section shall receive a summons and complaint requiring an appearance in Municipal Court. The fine for each violation shall be as provided in Section 1-4-20 of this Code. In addition to such fine, the Court shall order that any costs incurred by the Town as a result of the violation be reimbursed to the Town as restitution.

(Prior code 4-1-1; Ord. No. 14-04, § 1, 5-20-2014)

Sec. 11-1-40. Address numbers required.

- (a) All lot owners of improved property are required to post the address of the lot so that the address is clearly visible from the street from which the lot takes access. The numbers used shall be reflective and in a form prescribed by the Town or the Red, White and Blue Fire Protection District and may be attached to the residential structure or placed on a post, tree or other device near the street. Each address shall consist of at least four (4) digits even if the number begins with one (1) or more zeros.
- (b) If any lot owner fails to post the address, the Town may post said address and charge the costs thereof to the lot owner.
- (c) All lot owners shall remove any posted lot numbers contemporaneously with the posting of address numbers required by Subsection (a) above. Failure to comply with this Section shall be a violation of this Code and punishable by a fine not to exceed three hundred dollars (\$300.00) per offense.

(Prior code 4-1-3)

Sec. 11-1-50. Standards for street and road construction.

Any streets or roads constructed within the Town must meet the following minimum standards:

- (1) Width. Driving surface shall be a minimum of twenty-two (22) feet in width.
- (2) Grade. Maximum grade shall not exceed eight percent (8%).
- (3) Curves. A minimum radius of fifty (50) feet as measured from the centerline of the street to the point of the curve's termination is required.
- (4) Base. A minimum of six (6) inches of road base is required.
- (5) Cul-de-sac. A minimum radius of forty-six (46) feet from the center of the cul-de-sac to any outside edge is required.

ARTICLE II Excavations

Sec. 11-2-10. Adoption.

The following Code, as hereinafter amended, is hereby adopted by reference:

The Summit County Right-of-Way Permit Requirements, Chapter 5400 of the Summit County Land Use and Development Code ("the Summit County Right-of-Way Permit Regulations") as from time to time amended.

Sec. 11-2-20. Amendments.

The following amendments to the Summit County Right-of-Way Regulations are hereby adopted:

- (1) "Board of County Commissioners" or "BOCC" is changed to "Board of Trustees."
- (2) "Summit County" or "County" is changed to "the Town of Blue River."
- (3) "Road," "roadway," "road right-of-way," "road or recpath," "recreational pathways" or "right-of-way or recpath easement" is changed to "right-of-way, road or access easement."
- (4) "Engineering Department" is changed to "Road and Bridge Department."
- (5) Paragraph B of Section 5402 is deleted.
- (6) The first sentence of Paragraph A, Section 5403.02, is changed to read "Applications for a right-of-way, road or access easement permit shall be submitted at least fourteen (14) days prior to planned commencement of construction."
- (7) October 31st in Paragraph B, Section 5403.02, is changed to "October 15th." (Ord. 11-04 §1, 2011)

ARTICLE III Goose Pasture Tarn and the Town Park

Sec. 11-3-10. Defined.

- (a) Goose Pasture Tarn, hereinafter referred to as "the Tarn," located within the Town, is a private lake owned by the Town and available for use only to property owners of the Town. Use of the Tarn shall be limited to such uses and subject to such restrictions as further set forth below.
- (b) The Blue River Town Park (Theobald Park), hereinafter referred to as "the Park," located within the Town, is a park owned by the Town. Use of the Park shall be limited to such uses and subject to such restrictions as further set forth below.

(Prior code 4-3-1; Ord. 11-08 §§1, 2, 2011)

Sec. 11-3-20. State laws adopted.

All state laws and rules and regulations of the Colorado Department of Fish, Game and Parks shall apply to fishing, boating and sailing on the Tarn, and the same are hereby adopted into this Chapter by reference as they are presently enacted and hereafter amended. For these purposes, a violation of any such state law shall be deemed a violation of this Chapter and subject to enforcement by any person authorized to enforce this Chapter. Any conflict between this Chapter and any state law or regulation shall be resolved in favor of that provision or law which is more restrictive of the conduct to be controlled.

Sec. 11-3-30. Use restrictions; identification.

- (a) Use by property owners. Use of the Tarn shall be limited to property owners with proper identification, except for duly authorized guests or tenants as further outlined below. Parents and/or children and their respective spouses and/or grandchildren of property owners residing full time on the property shall enjoy the same Tarn recreational rights as owners, excluding guest privileges.
- (b) Use by guests:
 - (1) Guests of owners may use the Tarn only when accompanied by the owner.
 - (2) Owners shall be held responsible for all actions of their guests and for any violations of this Chapter as if such violation had actually been committed by the owner himself or herself.

(c) Use by tenants.

- (1) Tenants of owners shall generally have no privileges on the Tarn, except as otherwise provided herein.
- (2) *Tenant* is defined as a party leasing a Town property for a period of sixty (60) consecutive days or longer. A tenant may have recreational rights on the Tarn, provided that the property owner assigns the rights at the time the lease is executed. The Town shall provide appropriate forms for registration of such assignments and will maintain a file of tenants with assigned rights for enforcement purposes.

(d) Boat use.

- (1) Boats without identification decals shall not be permitted on the Tarn.
- (2) To ascertain that boats used on the Tarn belong to property owners, identification decals will be issued only upon receipt of an adequate description of the boat and a statement of its size and power. The boat registration fees charged to bona fide residents of the Town for use of the Tarn are hereby set at twenty dollars (\$20.00) per year.
- (3) All boats shall be subject to an annual personal safety inspection and shall be approved by the Lake Patrol Officer or Chief of Police before any boat shall receive its decal or be placed upon the Tarn. A fee will be charged for said decal.
- (4) Boats placed in the Tarn shall be limited in power to the use of an electric motor to be used solely for the purpose of trolling. No internal combustion engines shall be allowed in order to limit boat size, speed of crafts and environmental damage to the Tarn by such engines.
- (5) Boats shall not be stored overnight at the Tarn.
- (6) Personal watercraft of all kinds, including sailboards and paddle boards, are permitted on the Tarn, provided that identification decals have been affixed to them. A fee of five dollars (\$5.00) per day, not to exceed twenty dollars (\$20.00) per year, shall be charged.

(e) Issuance of boat decals. The issuance of boat decals and any other identification required by this Chapter shall be by the Lake Patrol Officer or the Town Clerk, who have been authorized and so designated by the Board of Trustees.

(Prior code 4-3-3; Ord. 07-03 §1, 2007; Ord. 11-05 §1, 2011; Ord. 13-07 §1, 2013; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 11-3-40. Rules and regulations for the Tarn.

- (a) Spillway area. Fishing or trespassing within forty-five (45) feet of the improved concrete portion of the spillway of the Tarn is absolutely prohibited and unlawful. Violation of this Subsection shall be punishable upon conviction by a fine of up to one thousand dollars (\$1,000.00) for each offense.
- (b) Ice fishing. Ice fishing by owners, guests and tenants shall be permitted on the Tarn as provided in Subsections 11-3-30(a), (b) and (c).
- (c) Snowmobiles, cross-country skiing, etc. Snowmobiles or other snow or all-terrain vehicles and cross-country skiing are strictly forbidden on the Tarn.
- (d) Open fires¹. Open fires are prohibited at all times and in all areas adjacent to the Tarn.
- (e) Animals. Dogs and all other pets and animals shall not be required to be under control by a tether or leash but shall be under voice control in all areas on and adjacent to the Tarn.
- (f) Hunting prohibited. Hunting of any kind is prohibited on the Tarn and any surrounding lands owned by the Town or the Town of Breckenridge.

- (g) Water recreation. Bathing is prohibited on the Tarn.
- (h) Commercial use. Any use of the Tarn for commercial purposes is prohibited.
- (i) Limit on fish. The daily bag limit is three (3) fish, of which only one (1) may exceed twenty (20) inches in length. The daily possession limit is three (3) fish.
- (j) Limit on hooks. Only single-bait hooks, single-hook flies and single-hook lures may be used for fishing in the Tarn.
- (k) Overnight parking, between one-half (½) hour after sunset and one-half (½) hour before sunrise, is prohibited.
- (l) Glass containers in the Tarn area are prohibited.
- (m) Littering of the Tarn area by the depositing of paper or plastic products, wood, leftover food, clothing, fishing gear, fish, junk or trash of any kind is prohibited, and "pack-it-in and pack-it-out" is required.
- (n) Boat docks. Licensing of the construction of boat docks shall be permitted by a licensing agreement which shall incorporate the Rules and Regulations for Boat Docks established by Resolution No. 13-05, adopted July 16, 2013, as from time to time amended.

(Prior code 4-3-4; Ord. 05-07 §1, 2005; Ord. 05-10 §1; Ord. 11-08 §§3, 4, 2011; Ord. 13-06 §§1, 2, 2013; Ord. 13-07 §2, 2013)

Sec. 11-3-45. Rules and regulations for the Park.

- (a) Use of the Park between the hours of 8:00 p.m. and 8:00 a.m. is prohibited.
- (b) Parking of motor vehicles at the Park between the hours of 8:00 p.m. and 8:00 a.m. is prohibited.
- (c) Parking of motor vehicles at the Park shall be "head-in parking" only.
- (d) Open fires¹, including fires in grills, in the Park are prohibited.
- (e) Dogs are prohibited in the Park.
- (f) Glass containers are prohibited in the Park.
- (g) Littering in the Park by the depositing of paper or plastic products, wood, leftover food, clothing, junk or trash of any kind is prohibited, and "pack-it-in and pack-it-out" is required.

(Ord. 11-08 §5, 2011)

Sec. 11-3-50. Enforcement.

This Chapter shall be enforced by the Chief of Police, the designated and authorized Lake Patrol Officer and any duly commissioned law enforcement officer of the State, which enforcement authority includes the power to do the following:

- (1) At any time, in the sole discretion of the enforcement officers, the Tarn becomes unsafe for the use and activities described herein, the Tarn may be declared "Closed." It shall be a violation of this Chapter for any person to use the Tarn after it has been declared "Closed."
- (2) Request the offending party to cease his or her illegal activity and to remove the offending party from the Tarn area.

¹ See Chapter 7, Article VII of this Code.

- (3) Issue citations for violations of this Chapter requiring the offending party to appear before the Municipal Court to answer the charges set forth in such citation.

Sec. 11-3-60. Violations; penalties.

Any person who violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction for any such offense, shall be punished by a fine as provided in Section 1-4-20 of this Code.

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CHAPTER 15 Annexation¹

ARTICLE I Annexation Policies and Procedures

Sec. 15-1-10. Title.

The provisions of this Article shall be known and cited as the "Blue River Annexation Policies and Procedures."

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-20. Authority.

This Chapter is authorized pursuant to the powers conferred by the Colorado Municipal Annexation Act of 1965.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-30. Annexation a legislative decision.

No landowner shall be entitled to a right to the annexation of land and such decision to annex property shall be a legislative and discretionary decision of the Town.

(Ord. No. 2021-07, § 1, 5-17-2021)

¹Editor's note(s)—Ord. No. 2021-07, § 1, adopted May 17, 2021, repealed Ch. 15, §§ 15-1-10—15-1-130, and enacted a new chapter, as set out herein. The former chapter pertained to similar subject matter and derived from the prior Code 6-9-1—6-9-5, 6-9-6A—H; and Ord. 06-01 §1, adopted 2006.

Sec. 15-1-40. Acknowledgement, purpose and interpretation.

The Town acknowledges the applicability of the Colorado Municipal Annexation Act of 1965, Sections 31-12-101, et seq., C.R.S. for annexations to the Town of Blue River. This Article is intended to implement and supplement the Colorado Municipal Annexation Act of 1965 and shall be liberally construed for the following purposes:

- (1) To encourage a natural and well-ordered development of the Town;
- (2) To distribute fairly and equitably the costs of municipal services among those persons who benefit from such services;
- (3) To extend municipality, services, and facilities to eligible areas which form a part of the whole community;
- (4) To simplify governmental structure;
- (5) To provide an orderly system for extending municipal regulations to newly annexed areas;
- (6) To reduce potential friction among contiguous or neighboring municipalities;
- (7) To increase the ability of the Town to provide their citizens with the services they require; and
- (8) To exercise to the greatest extent possible the Town's authority and powers conferred by State law and applicable judicial precedent.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-50. Definitions.

The meaning of words and phrases contained in this Chapter 15 shall have the meanings ascribed to them by Section 31-12-103, C.R.S. unless the context clearly indicates a different meaning.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-60. Three-mile limitation and three-mile plan.

- (a) Except as otherwise provided in this Section, no annexation may take place that would have the effect of extending the Town's municipal boundary more than three (3) miles in any direction from any point of such municipal boundary in any one (1) year. Within the three-mile area, the contiguity required by Section 31-12-104(1)(a), C.R.S., may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership provided that at least fifty (50) percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation.
- (b) The Town's three-mile plan and its comprehensive plan, as amended, shall serve as and shall constitute the "plan in place" referenced in Section 31-12-105(1)(e), C.R.S., unless a different plan, supplement, or revision is expressly adopted to serve as a plan in place. The plan in place may also be commonly referred to as the "three-mile plan" and such plan shall be deemed automatically updated annually on January 1 of each year without further action by the Town unless a change or modification is necessary and is adopted by resolution or ordinance by the Town Board of Trustees. The absence of a specific reference in such plan to a particular parcel of land proposed for annexation shall not be interpreted as a statement of intent to not annex such parcel of land; it is the plan and intent of the Town Board to evaluate and to consider for potential annexation all property within three (3) miles of the Town's then existing municipal boundaries upon

submission of a petition or as otherwise permitted by this Article and the Colorado Municipal Annexation Act of 1965. The absence in the plan of a specific reference to any character or extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town and the proposed land uses for the area shall not be interpreted as a failure to comply with Section 31-12-105(1)(e), C.R.S., but shall be interpreted as a plan by the Town to determine the appropriate character or extent of land uses and services through the Town's applicable processes of annexation, planning, and development approvals on a case by case basis. The plan in place may also be amended or modified to more specifically identify the character or extent of land uses and services at any time or contemporaneously with any annexation.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-70. Petition fee and charges for processing annexation petitions.

- (a) It is the Town's intent that petitioners for annexation bear the costs of processing a petition subject to any waiver of costs as permitted by this Section. The minimum petition fee for annexation shall be two thousand dollars (\$2,000.00) for each legally described lot or parcel of land within the area proposed for annexation; provided, however, that the Town Manager may administratively establish and modify as needed a different petition fee together with additional consultant fees for the processing of an annexation petition. In setting such fees, the Town Manager shall consider the anticipated or estimated costs to be incurred by the Town in reviewing and processing the annexation and obtaining necessary data, studies, and reports. The Town Manager shall administratively advise the Town Board of the petition fee and consultant reimbursement fees for each petition. No petition shall be processed unless accompanied by the applicable petition and consultant reimbursement fees and such petition shall be deemed incomplete until such fees are paid in full.
- (b) The Town Manager, in consultation with the Town Board, may require as a condition of annexation the payment of additional amounts by the petitioners or others deemed necessary, beneficial, or advantageous by the Town, including, but not limited to, payments to offset anticipated costs or expenses of providing services to the annexed property or residents of the annexed area, mitigate anticipated impacts to the annexed area or to surrounding lands, to upgrade infrastructure within the Town, and/or to defray any costs or expenses of the Town.
- (c) The Town may waive all or any portion of a fee or charge for annexation where the Town Board administratively finds in its sole discretion that the proposed annexation may provide substantial benefits or advance important economic or other goals and objectives of the Town.
- (d) The Town may refund all or any portion of fees paid by a petitioner that were not applied to the processing of the annexation petition. Such refund shall require that the Town Board administratively find in its sole discretion that the petitioner has demonstrated sufficient cause or reason for a refund following a denial of a petition by the Town or following the voluntary withdrawal of a petition by the petitioner. No refund shall be issued where the unexpended fees total less than three hundred dollars (\$300.00), the annexation was subject to an election, or the Town incurred unpaid costs and expenses in administrative staff time, attorney fees, or consultant fees that were not anticipated or estimated in the setting of the petition fee paid by the petitioner.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-80. Annexation process.

- (a) Generally. All annexations shall be accomplished in general accordance with the procedures set forth in the Colorado Municipal Annexation Act, as amended, through an ordinance duly adopted by the Town Board. Any petitions for annexation or petitions for annexation election shall contain the information required by

the Municipal Annexation Act of 1965, as the same may be amended from time to time. The Town may institute the procedure to zone land proposed for annexation on or after the submittal of an annexation petition, provided that the proposed zoning ordinance shall not be passed prior to the date when the annexation ordinance is adopted.

- (b) Notice. All public notices of hearings shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate by the Town to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably mislead or misinformed the public as to the date, time, place or purpose of the hearing.
 - (1) Required notice by publication. Notice for the public hearing for all annexations shall meet the requirements of the Colorado Municipal Annexation Act of 1965.
 - (2) Courtesy notice by mailing. Notice by mailing is a courtesy and a supplementary means of advising persons of the pendency of an application but shall not be deemed a legal requirement for the processing of an annexation petition or the conduct of a hearing if notice by publication was properly completed. The Town may send the mailed notice or may require the petition to undertake the mailing of notice. Mailed notice shall be addressed to owners of property within three hundred (300) feet of the property described in the petition as their names appear in the real property records of the Summit County Assessor. In measuring the required distance, the measurement shall be made from the perimeter of the area proposed for annexation to the property line of neighboring properties without regard to topography (i.e., in a two-dimensional plane or map). Courtesy notice by mailing shall be deposited in the United States Mail first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery by another comparable service shall be made at least fifteen (15) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement of the hearing, re-mailing of notice, or invalidation of the hearing. If the petitioner undertakes the mailing of notice, the petitioner shall deliver to the Town prior to the public hearing a signed, written certification stating that the petitioner completed notice by mailing in accordance with this Section.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-90. Optional referral to Planning and Zoning Commission.

The Blue River Planning and Zoning Commission shall not be required to consider or recommend action on a petition for annexation. The Board of Trustees may, at its discretion, refer such petition to the Commission for a recommendation or for comment as to any aspect of a proposed annexation. Following a referral, the Town Board may revoke a request for recommendation or comment, disregard such recommendation or comment, or deem a recommendation or comment untimely if not submitted to the Town Board prior to the hearing required by Section 31-12-109, C.R.S.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-100. Annexed property subject to all laws.

- (a) Unless otherwise provided by an agreement or by ordinance governing the annexation of property into the Town, the ordinances, resolutions, rules, and regulations of the Town shall remain fully valid and effective as to any property annexed into the Town.

- (b) The Town Board may require the annexing owner to agree to bring the annexed property into conformance with Town ordinances, resolutions, rules, and regulations either at the time of annexation or within a time period stated in an agreement.

(Ord. No. 2021-07, § 1, 5-17-2021)

Sec. 15-1-110. Annexation agreements.

- (a) The Town is authorized to enter into one (1) or more agreements with property owner(s) memorializing understandings of the property owner(s) and the Town and/or imposing terms, conditions, obligations, and rights upon annexation mutually acceptable to the parties. An annexation agreement is not required as a condition of an annexation except upon demand by the Board of Trustees. An annexation agreement may suspend, supersede, or waive the applicability or application of a provision of the Town Code or any ordinance, resolution, rule, or regulation of the Town when deemed in the Town's best interests by the Board of Trustees; provided, however, that nothing contained in such agreement shall suspend, supersede, or waive any provision of any ordinance, resolution, rule, or regulation of the Town unless:
 - (1) Such agreement explicitly identifies a provision of an ordinance, resolution, rule or regulation of the Town that is intended to be superseded by the agreement; or
 - (2) A provision of such agreement directly and irreconcilably conflicts with obligations and rights of the parties otherwise made applicable by a provision of an ordinance, resolution, rule, or regulation of the Town.
- (b) Annexation agreements shall be deemed legislative decisions of the Town and approved by ordinance.

(Ord. No. 2021-07, § 1, 5-17-2021)

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CHAPTER 18 Building Regulations¹

Article I General Provisions

Sec. 18-1-10. Certificate of occupancy.

Prior to the issuance of a certificate of occupancy and the occupancy of any building, structure, or improvement, any person who builds or erects any structure subject to this Chapter must contact the Building Official to obtain inspection and approval for issuance of the certificate of occupancy. Approvals by the appropriate septic/sewer authority, the fire protection district, and other service providers may be required at the discretion of the Town Manager. In addition to completion of the or improvements subject to the certificate of occupancy in accordance with all applicable building and safety codes, approval may, at the Town Manager's sole discretion, require completion of the following:

- (1) Installation of culverts deemed necessary to protect the integrity and maintenance of any driveway or streets leading to the lot or to manage drainage to prevent damage to property.
- (2) Grading or re-grading any disturbed or damaged roads or driveways or other areas necessary for proper drainage.
- (3) Any dirt, boulders or other material stored or remaining on the property resulting from grading and/or construction activities shall be removed from the lot or shall be distributed, integrated into the lot, and arranged in such a manner as to serve as natural appearing landscaping features. Such dirt, boulders, and other materials may be incorporated into a berm only in accordance with a berm permit as may be authorized by the Municipal Code and Land Use Code.
- (4) All construction materials and debris shall be removed from the site and properly disposed.
- (5) All runoff created by or redirected by construction, grading, and landscaping on the property shall be treated, contained and controlled so that there are no increases in runoff volume, direction, or frequency, or creation of adverse drainage consequences resulting from the construction, grading, and landscaping.

(Ord. No. 2022-06, § 1, 12-20-2022; Ord. No. 2023-05, § 1, 12-19-2023)

Sec. 18-1-10.5. Limited authorization for temporary occupancy.

The Town may, at its discretion, authorize the temporary and limited occupancy of a residential structure to address exceptional and unreasonably burdensome circumstances for the property owner prior to issuance of a certificate of occupancy. The issuance of a limited authorization for occupancy shall be the exception to the rule, and shall be strictly limited to the following circumstances if found to exist by the Town Manager:

- (1) Temporary occupancy is requested by the owner of the property to permit the owner's occupancy and is not requested to provide for occupancy by a tenant, renter, guest, or to accommodate a short-term rental or to allow for marketing of the property for sale or lease;

¹Editor's note(s)—Ord. No. 2022-06, § 1, adopted Dec. 20, 2022, repealed former Ch. 18, §§ 18-1-10—18-1-60, 18-2-10—18-2-30, 18-3-10—18-3-30, 18-4-10—18-4-30, 18-5-10—18-5-60, 18-6-10—18-6-30, 18-7-10—18-7-30, 18-8-10—18-8-30, 18-9-10—18-9-30, 18-10-10—18-10-30, and enacted a new Ch. 18 as set out herein. The former Ch. 18 pertained to similar subject matter. See the Code Comparative Table for a complete history.

- (2) All requirements for the issuance of a certificate of occupancy are completed and are confirmed by the Town to be in compliance with the applicable building and safety codes with the exception of the deficiencies identified to justify the limited authorization for occupancy;
- (3) The only deficiencies for the property that prevent the issuance of a certificate of occupancy are external to buildings or structures such as: landscaping; earth, dirt, or boulder removal or relocation; or minor drainage improvements that deficiencies will not adversely subject the occupants to potential harm or impact adjacent properties;
- (4) The deficiencies preventing issuance of a certificate of occupancy cannot be completed due to impending weather conditions or other circumstances that are outside of control of the owner and are not the result of the owner or the owner's agent(s) actions, inactions, neglect, or poor planning or scheduling. Financial hardship shall not justify issuance of a limited authorization for occupancy; and
- (5) The owner must execute an agreement in a form approved by the Town Attorney and Town Manager which provides, at a minimum, for the following:
 - a. The delivery of a written statement and estimates from the owner deemed credible by the Town itemizing the work necessary and the costs associated with curing or resolving all deficiencies which prevent the issuance of a certificate of occupancy;
 - b. A commitment to cure or resolve all cited deficiencies to the Town's satisfaction prior to the June 15 following the date of the agreement unless another date is approved by the Town Manager;
 - c. The provision of an irrevocable letter of credit or a cash deposit by the owner in the amount of one hundred fifty percent (150%) of the estimated costs to fully and timely cure the cited deficiencies. A cash deposit shall be deposited in an interest- bearing account if required by state law. Such letter of credit or cash deposit (and interest, if any) shall remain available to Town until such time that all deficiencies are cured or resolved in the opinion of the Town Manager and shall be available for use by the Town for the Town's completion of the deficiencies, at the Town's discretion.
 - d. A commitment by the owner to vacate occupancy and cease all use of the property and all structures within ten (10) days of the deadline for curing or resolving the cited deficiencies if such deficiencies remain uncured or unresolved in the opinion of the Town Manager. Subsequent occupancy shall be authorized only upon issuance of a final certificate of occupancy.
 - e. Acknowledgement that failure to resolve or complete the deficiencies by the stated deadline of the agreement shall constitute a violation of the Municipal Code. Each day a deficiency remains unresolved or uncompleted shall constitute a separate violation and shall subject the owner to an automatic minimum daily penalty in the amount of five hundred dollars (\$500.00) or a greater amount otherwise established in accordance with the Municipal Code; and
 - f. Any other provisions or requirements deemed necessary by the Town to ensure that the property will timely meet all obligations for issuance of a certificate of occupancy by the stated deadline, or which will best ensure the Town's ability to enforce the agreement.

(Ord. No. 2023-05, § 1, 12-19-2023)

Sec. 18-1-20. Open soil percolation and profile test holes.

- (a) Issuance of permit. Prior to the conducting of a soil percolation or profile test, the person conducting said test shall obtain from the Building Official, upon payment of a fee of twenty-five dollars (\$25.00), a percolation test permit. Such permit shall be valid for a period of sixty (60) days unless extended for good cause shown. The person conducting such test further shall deposit with the Building Official a cash bond in

the amount of one hundred fifty dollars (\$150.00) for each proposed test, including but not limited to test holes for septic tanks, leach fields and soil profile analysis. It is the responsibility of the person digging the hole, or the owner of the property in which the hole is dug, to fill the hole immediately upon completion of the test. Any such hole shall be covered whenever left unattended or, alternatively, access thereto shall be prevented by a fence or other suitable structure. At such time as the hole has been filled to the satisfaction of the Building Official, the cash bond shall be returned.

- (b) Nuisance declared; summary abatement authorized. The Board of Trustees hereby declares any open holes which are neither fenced nor covered and are more than three (3) feet deep, including percolation and profile test holes of any depth, to be nuisances subject to summary abatement by the Town.
- (c) Notice of abatement; failure to abate. Whenever any such open hole is discovered, the Town shall cause a certified letter, return receipt requested, to be sent to the property owner at the address on file with the Summit County Assessor. Seventy-two (72) hours after the mailing of the letter, if the hole has not been filled, the Town may fill the hole through any means at its disposal, including hiring a private party, without competitive bids, to fill such hole at the owner's cost as provided in subsection (d) below.
- (d) Abatement costs; lien authorized.
 - (1) If any owner fails to fill any hole after one (1) notice as provided in subsection (c) above and the Town proceeds to fill such hole, the Town Clerk shall notify the owner, by regular mail, of the costs and expenses incurred in filling the hole. The Town shall apply the amount of any deposit to the cost of filling the hole. The owner shall have thirty (30) days from the date of mailing of the notice of costs to pay in full the costs and expenses in excess of those paid by the deposit, if any. The funds not expended by the Town shall be returned to the depositor.
 - (2) The owner of the property, according to the County Assessor's records, shall be held personally liable for any and all charges imposed under the provisions of this Section. These charges shall become and remain a lien upon such property or premises until paid. Such charges may be collected from the owner by an action in the name of the Town and said action may be for the enforcement of said lien, or such charges may be certified to the County Treasurer pursuant to statute and collected as tax. If it is necessary for the Town to commence an action to collect such costs and expenses, the owner shall be liable for any court costs and attorney fees incurred by the Town.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-1-30. Fire extinguishers.

- (a) Required. Each dwelling unit constructed within the limits of the Town shall from and after the effective date of this Code have installed therein at an accessible location a fire extinguisher of a ten-pound size, or its equivalent, and rated A.B.C., such extinguishers to have approval of the National Fire Protection Association. No certificate of occupancy will be given until after evidence has been furnished that the extinguisher has been purchased and is in place.
- (b) Time limit for installation; Town Clerk to be notified. Each dwelling unit heretofore constructed in the Town shall, on or before November 1, 1973, have installed therein a fire extinguisher of the type described in subsection (a) above. The owner or occupant of each such dwelling unit shall notify the Town Clerk that said fire extinguisher has been purchased and is installed.
- (c) Recharging used extinguishers. Any fire extinguisher which has been used shall be recharged or replaced promptly within thirty (30) days from the date of its use.
- (d) Penalties. Any violation of this Section will be punishable by a fine in the amount set out in Section 1-4-20 of this Code.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-1-40. Detached garages and outbuildings.

- (a) Approval required. It is unlawful to erect or maintain any accessory structure, including garage, storage shed, doghouse, tool shed or any other accessory structure, unless such structure is approved by the Town in accordance with applicable provisions of the Municipal Code.
- (b) Removal and penalty. Any structure erected which is in violation of this Chapter shall be removed from the property thirty (30) days after notice requiring such removal has been sent by the Town. After the passage of thirty (30) days, failure to remove the structure shall subject the owner to penalty as set forth in Section 1-4-20 of this Code.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-1-50. Fire mitigation.

Fire mitigation for all new structures or substantially altered structures shall be undertaken and completed in accordance with the requirements set forth in Article III of this Chapter.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-1-60. Doubling of permit fees.

Notwithstanding the provisions of Section 18-1-70(a) below, any person who builds or erects any structure or commences the building or erection of any structure without a building permit or in violation of any part of this Chapter shall pay building and permit fees of twice the amount which would have been due upon timely application for a permit or license.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-1-70. Contractor's license.

- (a) License required. All persons, general contracting firms, subcontracting firms and other entities engaged in construction work of any kind or nature, including but not limited to general contracting, electrical, plumbing, excavating and concrete finishing within the Town limits shall be licensed under the applicable terms and provisions adopted by the Board of Trustees prior to:
 - (1) Applying for any type of building permit for the performance of any construction work within the Town limits; or
 - (2) Entering into a contract to perform or performing any construction work within the Town limits.
- (b) Limited exception. Any natural person may construct a single-family dwelling on real property owned by such person without having first obtained a contractor's license if:
 - (1) The person has been issued a building permit;
 - (2) The construction complies with all applicable building codes and land use regulations;
 - (3) Such person does not construct any more than one (1) single-family dwelling unit within any two (2) consecutive calendar year periods; and
 - (4) Such single-family dwelling is constructed as such natural person's principal residence.

ARTICLE II Building Codes

Sec. 18-2-10. Administrative.

- (a) No building or work on any building shall be commenced within the Town without first obtaining a building permit as required by this Article and the codes adopted herein and paying the appropriate building permit fee.
- (b) For any work requiring a contractor licensed or registered pursuant to this Code, permits under this Article shall only be issued to the contractor or registrant or their authorized representative. It shall be unlawful for any person to fraudulently use a license or registration issued to a contractor or registrant to obtain a permit for another person.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-2-20. Adoption of codes.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the codes and standards hereinafter described are hereby adopted by reference, subject to the amendments herein set forth. The subject matter of the codes and standards adopted herein includes the regulation of the new construction, alteration, and repair of all new and existing structures, along with all plumbing, mechanical, electrical and installations therein or in connection therewith. In case of any conflict between a code adopted herein and any other specific provision of the Blue River Municipal Code, the specific provision of the Blue River Municipal Code shall govern. In addition to any other requirement of the codes referenced in this Chapter 18, copies of the referenced codes and standards are available for public inspection and review by any interested party at ICCSAFE.org and NFPA.org.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-2-30 Building code.

The International Building Code, 2018 edition, sixth printing, November 2021, as amended, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Building Code as if fully set out in this Article with the additions deletions insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River" where indicated.
- (2) Section 101.4.3 is amended by deleting the last sentence that references the International Private Sewage Disposal Code.
- (3) Section 103.2 is amended by adding the following additional first paragraph:
103.2 Building Official. The Building Official is hereby authorized and directed to enforce all of the provisions of this code, nevertheless, such authorization and direction shall be neither an express nor implicit guaranty that all buildings and structures have been constructed in accordance with all of the provisions of this code, nor be deemed as any representation as to the quality of such buildings or structures in any manner.
- (4) Section 103.3 is amended by adding the following additional first paragraph:
103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction, the building official shall have the authority to appoint a deputy building official, related technical officers, inspectors, plan examiners and other employees. Such employees shall have those powers and duties as have been expressly delegated by the building official, subject to modification from time to time.

- (5) Section 104.8 is amended by adding the following additional first paragraph:

The adoption and implementation of this code, as well as any previous Building Construction and Housing Standards adopted by the Town of Blue River, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee or agent. Neither this code nor any previous Building Construction and Housing Standards shall create any affirmative duty or be deemed to establish any affirmative representation on behalf of the Town Board of Trustees, the Building Official of the Town of Blue River, its employees, officials or agents.

- (6) Sections 105.1.1 and 105.1.2 are hereby repealed in their entirety.
- (7) Section 105.2 (Work Exempt from Permit) Number 1 and 2 is deleted in its entirety
- (8) Section 105.5 is amended to read as follows:

105.5 Expiration. (a) Every building permit issued by the building official under the provisions of this code shall expire 18 months after the date of issue. The building official is authorized to grant an extension to the validity of such permits, for a period of time not to exceed 18 months. Such extensions shall be based upon written request by an applicant demonstrating, to the discretion of the building official, justifiable cause for the extension, and shall be effective as of the day of written approval. (b) Every standalone technical (mechanical, electrical, plumbing, fireplace and photovoltaic) and hot tub permit issued by the building official under the provisions of this code shall expire 3 months after the date of issue. The building official is authorized to grant an extension to the validity of such permits, for a period of time not to exceed 3 months. Such extensions shall be based upon written request by an applicant demonstrating, to the discretion of the building official, justifiable cause for the extension, and shall be effective as of the day of written approval.

- (9) Section 107.1 is amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional. The building official may waive the requirement for a design professional when it is found that the nature of the work is such that a design professional is not necessary to obtain compliance with the code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

- (10) Section 109.2 is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Town of Blue River Building Permit Fee Schedule attached hereto.

- (11) Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to fees for an investigation in addition to any other required permit fees. The investigation fee shall be as set forth in the Town of Blue River Building Permit Fee Schedule.

- (12) Section 110.3.5 is amended by deleting the exception.

- (13) Section 110 is amended by adding a new subsection to read as follows:

110.7 Reinspection. A reinspection fee, as specified in the Town of Blue River Building Permit Fee Schedule attached hereto, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when any of the following conditions exist: (a) the approved plans are not readily available to the inspector, (b) the address of the project is not properly displayed, (c) the applicant failing to provide access on the date for which the inspection is requested, (d) the work requiring inspection is not completed or ready for inspection, or (e) deviation from plans requiring the approval of the building official.

- (14) Section 202 is amended by adding the following definitions within the alphabetical order of the existing definitions:

LOFT. A habitable room or floor in a building that is open to the room or floor directly below, which may or may not qualify as a mezzanine.

POTENTIAL SLEEPING ROOM. A room or space within a dwelling unit having a floor area, with 5 feet or more of ceiling height, of at least 70 square feet will be considered a sleeping room in accordance with the following:

In a building defined as a dwelling or lodging house, any space or room having two of the following factors shall be considered a sleeping room. In a building defined as an apartment house or hotel, any room or space having one of the following factors shall be considered a sleeping room:

- (a) Has walls and doors to separate it from other habitable spaces.
- (b) Meets the definition of a loft as amended by Summit County.
- (c) Has a closet or similar provision for clothes storage.
- (d) Has a full or partial bathroom connected to the space or room, or has a path of travel to a full or partial bathroom which does not first pass through a habitable space.

Rooms or spaces determined by these criteria to be sleeping rooms, regardless of any names, labels, or intended uses proposed by the building designer or owner, shall have emergency escape and rescue openings per the International Building Code, smoke detectors, and carbon monoxide detectors.

Any alteration to the room or space previously mentioned will be required to be made permanent in nature. The elimination of doors or closets will be made in such a manner that the construction cannot be readily reinstalled.

- (15) Section 501.1 is amended by changing 4" to 5" and by adding the following sentence: The premise[s] identification characters shall be reflective.
- (16) Section 718 is amended by adding two new subsections and an exception to read as follows:

718.6 Factory-built fireplace enclosures. Combustible construction enclosing factory-built fireplaces with class 'A' chimneys shall be protected on the interior (fireplace) side by one-hour fire resistive construction.

718.7 Factory-built chimney enclosures. Factory-built class 'A' chimneys shall be enclosed within a continuous enclosure protected on the interior (flue) side by not less than one-hour fire resistive construction.

Exception:

The portion of the chimney located in the same room as the appliance and the portion of the chimney above the finished roof are not required to be enclosed. However, if they are enclosed, the interior of the shaft shall be protected by one-hour fire resistive construction.

- (17) Section 901.5 is amended by adding a new subsection to read as follows:

901.5.1 Special inspector required. All fire protection systems required by this code shall be reviewed at plan submittal, inspected and approved by an authorized representative of the fire department.

- (18) Section 1503 is amended by adding a new subsection and an exception to read as follows:

1503.6 Snow-shed barriers. Roofs shall be designed to prevent accumulations of snow from shedding onto exterior balconies, decks, pedestrian and vehicular exits from buildings, stairways, sidewalks, streets, alleys, areas directly above or in front of gas utility or electric utility meters, or adjacent properties.

Exception:

Roof areas with a horizontal dimension of no more than 48 inches (1,219 mm) that will not receive snow shedding from a higher roof. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface.

- (19) Section 1505.1 is amended to read as follows:

1505.1 General. All roof coverings on new construction shall be Class A. Class A roof assemblies and roof coverings required to be listed by this Section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898.

- (20) Table 1505.1 and all footnotes to the table are hereby repealed in their entirety.

- (21) Section 1507.1 is amended by adding a new subsection to read as follows:

1507.1.1 Ice barriers. An ice dam protection underlayment that consists of an approved self-adhering polymer modified bitumen sheet shall be used with all roof coverings. This ice dam protection underlayment shall extend up the slope of the roof from the lowest edges of all roof surfaces and cover the entire roof decking surface.

- (22) Section 1608.2 is amended to read as follows:

1608.2 Snow loads. The loads to be used in determining the design snow loads for roofs shall be 100 pounds per square foot and for exterior balconies and decks shall be 125 pounds per square foot. There shall be no reduction for duration.

- (23) Section 1809.5 is amended by the addition of the following sentence: Frost line of the locality is established as 40 inches below grade.

- (24) Section 2113 is amended by the addition of the following subsections to read as follows:

2113.21 Limitation on the type and number of devices. Solid fuel-burning devices that are not properly certified are prohibited in new construction. Outdoor wood fired hydronic heaters shall not be allowed. The number of certified solid fuel-burning devices that may be installed in newly constructed buildings shall not exceed the following limits:

- (a) Apartments, condominiums, hotel/motel rooms, commercial and industrial buildings: no solid fuel-burning devices shall be allowed. One solid fuel-burning device shall be allowed in lobbies of hotels or motels or restaurants.
- (b) In all buildings which are either occupied or have received a current and valid building permit prior to October 1, 1992, the installation of any solid fuel-burning device is prohibited if the resulting number of solid fuel-burning devices exceeds the limitations contained in this Section. However, such limitations shall not apply to the replacement of a non-certified solid fuel-burning device with a certified solid fuel-burning device.

CERTIFIED SOLID FUEL-BURNING DEVICE is a solid fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment, or one that is approved by the building official as meeting the EPA Phase II 'certification' or 'qualification' standard. These standards shall be independently tested by an accredited laboratory to meet the particulate emissions of 7.5 grams per hour for noncatalytic solid fuel-burning devices, or 4.1 grams per hour for catalytic solid fuel-burning appliances. Masonry heaters shall be approved by the state or documentation shall be provided verifying that 'field test results' conducted by an EPA accredited laboratory show no violation of the existing 6.0 grams per kilogram emission standard in accordance with State Regulation No. 4.

NEW CONSTRUCTION, for the purpose of this Section, is construction of a residential, commercial, industrial, agricultural or accessory building. This shall include any modifications, replacement or relocation of existing solid fuel-burning devices. However, modifications to solid fuel-burning devices shall not include repair, replacement or relocation of flue pipe.

SOLID FUEL-BURNING DEVICES are any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

2113.22 Factory built chimneys.

- (a) Factory built chimneys shall be supported at intervals not to exceed 10 feet by wall straps or equivalent.
- (b) Factory built chimneys shall have the outer wall of adjacent chimney sections fastened together by three sheet metal screws, installed approximately 120 degrees apart. Such fastenings shall be in addition to and not in lieu of those requirements mandated by the manufacturers' instructions, except when specifically prohibited by those instructions or the terms of their listing.

Exception: Where approved manufacturers' locking bands are used.

- (c) The points of termination of a factory-built chimney shall not be within 10 inches vertically of the point of termination of any adjacent chimney or appliance vent within 24 inches horizontally. No factory-built chimney shall terminate closer than 24 inches to combustible finish materials.

- (25) Section 2303.1.1 is amended by adding the following paragraph:

All logs used in a structural capacity must be graded and marked by an approved grading agency, in conformance with DOC PS 20. In lieu of a grade mark, a certificate of an onsite inspection issued by a 3rd party lumber grading or inspection agency may be accepted.

- (26) Section 2901.1 is amended by deleting the reference to the International Private Sewage Disposal Code.

- (27) Section 2902.2 Exception 2 is amended to read as follows:

2902.2 Exception 2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 30 or less.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-2-40 Existing building code.

The International Existing Building Code, 2018 Edition, Fifth Printing March 2021, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478- 5795, is hereby adopted

by reference as the Town of Blue River 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 "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."
- (2) IEBC Section 101.1. (Title) is amended by the addition of the term "Town of Blue River" where indicated.
- (3) Section 101.4.2 is amended by deleting the reference to the International Property Maintenance Code.
- (4) Section 111.3 is hereby repealed in its entirety

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-2-50 Residential code.

The International Residential Code, 2018 Edition, Fourth Printing, September 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478- 5795, including sections as amended by the State of Colorado Department of Regulatory Agencies, as part of the Colorado Plumbing Code and Colorado Fuel Gas Code listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by Section 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Residential Code as if fully set out in this Section with the additions deletions insertions and changes as follows:

- (1) Section R101.1 is amended by adding the name "Town of Blue River."
- (2) IRC Section 105.2 (Work Exempt from Permit) (Building Section) Number 1 and 2 are deleted in their entirety
- (3) Section R110.4 titled "Temporary occupancy" is deleted in its entirety.
- (4) Any reference with the International Residential Code to "temporary certificate of occupancy" shall be inapplicable and interpreted in a manner consistent with the Town's policy not to issue temporary certificates of occupancy.
- (5) Section R111.3 titled "Authority to disconnect service utilities" is deleted in its entirety.
- (6) Delete from Section R112.1 the following language:

"there shall be and is hereby created a board of appeals."

And substitute the following in its place:

"there shall be a board of appeals created when deemed necessary by the Town Manager. The Town shall use its best efforts to create a board of appeals within 60 days from a request for appeal."

- (7) IRC Table R301.2(1) is filled to provide the following:

Table R301.2(1)

Climatic and Geographic Design Criteria

Roof Snow Load ^o	Wind Design				Seismic Design Category ^f	Subject to Damage		
	Speed (mph) ^d	Topographic effects ^k	Special wind region ^l	Wind- borne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c
100 PSF	90	Yes	No	No	B	Severe	40 inches	Slight

CHAPTER 18 Building Regulations

Winter Design Temp ^e	Ice Barrier Under layment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j				
-13 F	Yes	See Town Code	2500	35.4				

Manual J Design Criteria ⁿ							
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference
10,036 Ft.	39.4088 N	-13	81	.69	70 F	75 F	84
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity	
6	15 mph	7.5 mph	51	High (H)	50%	50%	

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]
- The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.

(8) Table R301.5 is amended to read as follows:

Table R301.5

Use	Live Load
Balconies (exterior) and decks ^e	125
Fire escapes	125

(9) Section R313.2 is amended to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one-and two- family dwellings with a total aggregate fire area that exceeds 6,000 square feet (577 M²).

(10) Section R319.1 is amended to read as follows:

R319.1 Premises identification. Approved numbers or addresses shall be provided for all new and altered buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address characters shall be reflective, at least five inches (127 mm) in height and shall be of a color that contrasts with the background on which they are mounted.

(11) Section R501.3 Exception 1 is amended to read as follows:

R501.3 Exception 1 Floor assemblies located directly over a space protected by an automatic sprinkler system permitted, installed and inspected as required by the Fire District having jurisdiction.

(12) Section R806.1 is amended to read as follows:

R806.1 Ventilation required. Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by

ventilating openings protected against the entrance of rain or snow. Ventilation openings shall be made of metal and shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/8 inch (3.2 mm) maximum. Ventilation openings having a least dimension larger than 1/8 inch (3.2 mm) shall be provided with a corrosion-resistant metal wire cloth screening, hardware cloth, or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/8 inch (3.2 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7. Required ventilation openings shall open directly to the outside air and shall be protected to prevent the entry of birds, rodents, snakes and other similar creatures.

- (13) Section R902.1 is amended to read as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A roofing shall be installed on all new buildings. Class A roofing required to be listed by this Section shall be tested in accordance with UL 790 or ASTM E 108. Roof assemblies with coverings of brick, masonry, slate, clay or concrete roof tile, exposed concrete roof deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be considered Class A roof coverings. Where required for roof drainage, scuppers shall be placed level with the roof surface in a wall or parapet. The scupper shall be located as determined by the roof slope and contributing roof area.

- (14) Section R905.1.2 is amended to read as follows:

R905.1.1 Ice Barriers. An ice dam protection underlayment that consists of an approved self-adhering polymer modified bitumen sheet shall be used with all roof coverings. This ice dam protection underlayment shall extend up the slope of the roof from the lowest edge of all roof surfaces and cover the entire roof decking surface.

- (15) Section R1004.4 is amended to read as follows:

R1004.4 Unvented gas log heaters. Installation of unvented gas log heaters is prohibited.

- (16) Section R1004 is amended by adding a new subsection R1004.5 to read as follows:

R1004.5 Factory-built fireplace enclosures. Combustible construction enclosing factory-built fireplaces with class 'A' chimneys shall be protected on the interior (fireplace) side by one-hour fire resistive construction.

Exception:

The portion of the chimney located in the same room as the appliance and the portion of the chimney above the finished roof are not required to be enclosed. However, if they are enclosed, the interior of the shaft shall be protected by one-hour fire resistive construction.

- (17) Section R1005 is amended by adding a new subsection 1005.6 to read as follows:

R1005.8 Factory-built chimney enclosures. Factory-built class 'A' chimneys shall be enclosed within a continuous enclosure protected on the interior (flue) side by not less than one-hour fire resistive construction.

Exception:

The portion of the chimney located in the same room as the appliance and the portion of the chimney above the finished roof are not required to be enclosed. However if they are enclosed, the interior of the shaft shall be protected by one-hour fire resistive construction.

- (18) Section R1005 is amended by adding a new subsection 1005.9 to read as follows:

R1005.9 Limitation on the type and number of devices. Solid fuel-burning devices that are not properly certified are prohibited in new construction. Outdoor wood fired hydronic heaters shall not be

allowed. The number of certified solid fuel-burning devices that may be installed in newly constructed buildings shall not exceed the following limits:

- (a) Apartments, condominiums, hotel/motel rooms, commercial and industrial buildings: no solid fuel-burning devices shall be allowed. One solid fuel-burning device shall be allowed in lobbies of hotels or motels or restaurants.
- (b) In all buildings which are either occupied or have received a current and valid building permit prior to October 1, 1992, the installation of any solid fuel-burning device is prohibited if the resulting number of solid fuel-burning devices exceeds the limitations contained in this Section. However, such limitations shall not apply to the replacement of a non-certified solid fuel-burning device with a certified solid fuel-burning device.

CERTIFIED SOLID FUEL-BURNING DEVICE is a solid fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment, or one that is approved by the building official as meeting the EPA Phase II 'certification' or 'qualification' standard. These standards shall be independently tested by an accredited laboratory to meet the particulate emissions of 7.5 grams per hour for noncatalytic solid fuel-burning devices, or 4.1 grams per hour for catalytic solid fuel-burning appliances. Masonry heaters shall be approved by the state or documentation shall be provided verifying that 'field test results' conducted by an EPA accredited laboratory show no violation of the existing 6.0 grams per kilogram emission standard per State Regulation No. 4.

NEW CONSTRUCTION, for the purpose of this Section, is construction of a residential, commercial, industrial, agricultural, or accessory building. This shall include any modifications, replacement, or relocation of existing solid fuel-burning devices. However, modifications to solid fuel-burning devices shall not include repair, replacement or relocation of flue pipe.

SOLID FUEL-BURNING DEVICES are any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

- (19) Section R1005 is amended by adding a new subsection 1005.10 to read as follows:

R1005.10 Factory built chimneys.

- (a) Factory built chimneys shall be supported at intervals not to exceed 10 feet by wall straps or equivalent.
- (b) Factory built chimneys shall have the outer wall of adjacent chimney sections fastened together by three sheet metal screws, installed approximately 120 degrees apart. Such fastenings shall be in addition to and not in lieu of those requirements mandated by the manufacturers' instructions, except when specifically prohibited by those instructions or the terms of their listing.

Exception: Where approved manufacturers' locking bands are used.

- (c) The points of termination of a factory built chimney shall not be within 10 inches vertically of the point of termination of any adjacent chimney or appliance vent within 24 inches horizontally. No factory-built chimney shall terminate closer than 24 inches to combustible finish materials."

- (20) Table N1102.1.2 (IECC R402.2.2) footnote d. is amended to read as follows:

- d. R-10 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs. as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.

- (21) Table N1102.1.2 (IECC R402.1.2) footnote h. is amended to read:

- h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation. R23 Blown in bibs are permitted to be installed in walls in lieu of the R20+5. If utilizing the R23, the roof/ceiling insulation reductions detailed in N1102.2.1 and N1102.2.2 are not allowed.
- (22) N1102.2.10 is amended to read as follows:
- N1102.2.10** Slab-on-grade floors with a floor surface less than 40 inches below grade shall be insulated in accordance with Table N1102.1.2. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall be extended the distance provided in Table N1102.1.2 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches of soil.
- (23) Section M1701 is amended to add a new subsection to read as follows:
- M1701.3** All combustion air terminations shall be a minimum of 36 inches above finished ground level.
- (24) Section M1804.2.6 number 4 is amended to read as follows:
- M1804.2.6 (4)** The bottom of the vent terminal shall be located at least 36 inches above finished ground level.
- (25) Section M2001 is amended to add new subsection to read as follows:
- M2001.5 Drains Required.** All mechanical rooms (boiler, water heater, and furnace rooms) are to be provided with a floor drain.
- (26) M2105.28 Testing is amended by adding a sentence at the end of the paragraph: Assembled loop systems may be tested with a 50 (psi) air test for 30 minutes.
- (27) Section 2404 is amended to add a new subsection to read as follows:
- G2404.11 Testing.** This Section shall apply to all gas appliances that are vented with any type of plastic venting material.
- G2404.11.1 Test pressure.** All exhaust vents and sealed combustion air vents shall be tested to a minimum of 5 P.S.I. air test at the time of rough inspection. The test shall include all piping from the exterior terminations to the mechanical room. The last mechanical room connections can be visually inspected for code-required glue and primers (purple for PVC). All vent supports and draft stops shall be installed at the time of inspection. The manufacturer's installation and venting instructions shall be on site for rough inspection.
- Exceptions:**
1. For concentric vent/combustion air terminations, the combustion air can be capped for test just before the concentric vent connection. The exhaust vent must be tested to the exterior.
 2. Single uncut/combustion air pipe that extends from the mechanical room to the exterior (without joints).
- (28) Section G2406.2 is amended to eliminate exceptions 3 and 4.
- (29) Section G2406.3 is amended to add the following sentence:
- All exterior fire pits and fireplaces shall not be installed on or under combustible structures unless the entire appliance is listed and tested as one unit for that application.
- (30) Section G2417.4.1 is amended to read as follows:

G2417.4.I (406.4.1) Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge) for threaded pipe, 60 psig for welded pipe, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

- (31) Section G2425.8 (501.8) Equipment not required to be vented is amended to eliminate item #7: Room heaters listed for unvented use.

- (32) Section G2432 is amended by adding a new subsection to read as follows:

2432.4 Gas logs. Gas logs may be installed in solid-fuel-burning fireplaces provided:

- a. The gas log is installed in accordance with the manufacturer's installation instructions.
- b. If the fireplace is equipped with a damper it shall either be removed or welded in an open position.
- c. The flue passageway shall be not less than 1 square inch per 2,000 Btu/h input and not more than 4 square inches per 2,000 Btu/h input.
- d. Gas logs shall be equipped with a pilot and shall have a listed safety shutoff valve.
- e. Gas logs shall be vented with a Class 'A' Chimney.
- f. Gas logs may be installed in factory-built fireplaces only when (a) the fireplace and gas logs are listed for use together as an individual unit (b) the fireplace is approved for use with any listed gas log or (c) the fireplace manufacturer provides prior written approval for the installation.
- g. Gas logs shall be provided with a motorized damper interlocked with the electronic ignition of the unit.

Exception: The installation of gas logs in factory built fireplace units for which the manufacturer cannot be identified or located may be approved by the building official in his or her discretion. Any approval shall be based at a minimum, on written evidence submitted by the gas log manufacturer that the installation of their product will not compromise the integrity of the existing fireplace.

- (33) Section G2445 is amended to read as follows:

G2433.1 Prohibited. Log lighters are prohibited.

- (34) Section G2445.2 is amended to read:

G2445.2 (621.2) Prohibited Use. Installation of unvented room heaters is prohibited.

- (35) Section P2503.5.1 the first paragraph is amended to read as follows:

P2503.5.I Rough Plumbing. DWV systems shall be tested upon completion of the rough piping installation by water or by air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

- (36) Section P2503.7 Water-supply system testing: The portion of the sentence reading

"for piping systems other than plastic," shall be deleted.

- (37) Section P2801.5.2 is amended to read as follows:

2801.5.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain. All water heater rooms shall be equipped with a floor drain.

- (38) Section P2803.6.1(5) Requirements of discharge pipe is amended to delete the reference allowing the discharge from the relief valve to terminate to the outdoors. All terminations must be discharged to an indirect waste receptor located within a heated space, or by other approved means within the building.

- (39) IRC Section P3103.1 (roof extension) is amended to read in its entirety:

P3103.1. Roof extension. All open vent pipes which extend through a roof shall be terminated at least 12 inches above the roof or 12 inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

(Ord. No. 2022-06, § 1, 12-20-2022; Ord. No. 2023-01, § 1, 4-25-2023)

Sec. 18-2-60 Mechanical code.

The Colorado Fuel Gas Code, as adopted by the State of Colorado Department of Regulatory Agencies, as listed in Rule 3 CCR 720-1, pursuant to the authority granted to the Colorado Plumbing Board by Sections 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Fuel Gas Code as if fully set out in this Section with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River."
- (2) Section 103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (3) Section 103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (4) Section 103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (5) Section 106.4.3 Expiration is amended to read exactly as set forth in IBC Amendment 105.5.
- (6) Section 106.4.4 Extensions is hereby repealed in its entirety.
- (7) Section 106.5.2 is amended to read as follows:

106.5.2 Fee schedule. The fees for mechanical work shall be in accordance with the Town of Blue River Building Permit Fee Schedule attached hereto.
- (8) Section 106.5.3 is amended to read as follows:

106.5.3 Fee refunds. The code official shall authorize the refunding of fees in accordance with the Town of Blue River Building Permit Fee Schedule attached hereto.
- (9) Section 106.5 is amended to add a new subsection to read as follows:

106.5.4 Reinspection, to read exactly as set forth in IBC Amendment 110.7.
- (10) Section 301 is amended by adding a new subsection to read as follows:

301.19 Floor drains. All mechanical rooms (furnace, boiler, water heater rooms) shall be provided with a floor drain.
- (11) Section 701 is amended by adding a new subsection to read as follows:

701.3 Vent and combustion air ducts shall terminate a minimum of 36" above finished ground level.
- (12) Section 804.3.4 Horizontal terminations is amended by changing #6 to read as follows:

6. The bottom of the vent termination shall be located at least 36 inches above finished grade."
- (13) Section 805 Factory-built Chimneys is amended by adding a new section to read exactly as set forth in IBC Amendments 718.6, 718.7 and 2113.22.

- (14) Section 903.3 is amended to read as follows:

903.3 Unvented gas log heaters. Unvented gas log heaters are prohibited.

- (15) Section 905 is amended by adding a new subsection as follows:

905.4 Limitation on the type and number of devices is added to read exactly as set forth in IBC Amendment 2113.21.

- (16) Section 1208.1 Testing is amended by adding a sentence at the end of the paragraph as follows:

Hydronic tubing may be tested with a 50 (psi) air test for 30 minutes.

- (17) Section 12.8.1.1 Testing is amended by adding a sentence at the end of the paragraph as follows:

Assembled loop systems may be tested with a 50 (psi) air test for 30 minutes.

(Ord. No. 2022-06, § 1, 12-20-2022; Ord. No. 2023-01, § 2, 4-25-2023)

Sec. 18-2-70 Fuel gas code.

The current Colorado Fuel Gas Code, as adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State of Colorado as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by Sections 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Fuel Gas Code as if fully set out in this Section with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River."
- (2) Section 103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (3) Section 103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (4) Section 103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (5) Section 106.5.3 Expiration is amended to read exactly as set forth in IBC Amendment 105.5.
- (6) Section 106.5.4 Extensions is hereby repealed in its entirety.
- (7) Section 106.6.2 Fee schedule is amended to read exactly as set forth in IMC amendment 106.5.2.
- (8) Section 106.6.3 Fee refunds is amended to read exactly as set forth in IMC amendment 106.5.3.
- (9) Section 106.6 is amended by adding a new subsection, 106.6.4 Reinspections, to read exactly as set forth in IBC amendment 109.7.
- (10) Section 303.2 Hazardous locations is amended by adding a sentence to read as follows:

All exterior fire pits and fireplaces shall not be installed on or under combustible structures unless the entire appliance is listed and tested as one unit for that application.
- (11) Section 303.3 Prohibited locations is amended by deleting Exceptions 3 and 4.
- (12) Section 304.11 # 8 is amended to read as follows:

8. Combustion air duct. Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 36 inches vertically from the adjoining grade level.
- (13) Section 406.4.1 is amended to read as follows:

G2417.4.I (406.4.1) Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge) for threaded pipe, 60 psig for welded pipe, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

(14) Section 501.8 Equipment not required to be vented is amended by deleting Exceptions 8 and 10.

(15) Section 503.8 Venting system termination location is amended by adding a sentence that reads as follows (applicable to items 2 and 3):

"The bottom of all vent terminations and air intakes shall be located at least 36 inches above finished ground level."

(7) Section 501 is amended to add a new subsection to read as follows:

501.16 Testing. This Section shall apply to all gas appliances that are vented with any type of plastic venting material.

501.16.1 Test pressure. All exhaust vents and sealed combustion air vents shall be tested to a minimum of 5 P.S.I. air test at the time of rough inspection. The test shall include all piping from the exterior terminations to the mechanical room. The last mechanical room connections can be visually inspected for code-required glue and primers (purple for PVC). All vent supports and draft stops shall be installed at the time of inspection. The manufacturer's installation and venting instructions shall be on site for rough inspection.

Exceptions:

1. For concentric vent/combustion air terminations, the combustion air can be capped for test just before the concentric vent connection. The exhaust vent must be tested to the exterior.
2. Single uncut/combustion air pipe that extends from the mechanical room to the exterior (without joints).

(16) Section 506 Factory Built Chimneys is amended by adding new subsections to read exactly as set forth in IBC Amendments 718.6, 718.7, 2113.21 and 2113.22.

(17) Section 602.1 is amended to read as follows:

602.1 General. Decorative appliances for installation in approved solid fuel-burning fireplaces shall be tested in accordance with ANSI Z21.60 and shall be installed in accordance with the manufacturer's installation instructions.

(18) Section 602 is amended by adding a new subsection to read as follows

602.4 Gas logs. Gas logs may be installed in solid-fuel-burning fireplaces provided:

- a. The gas log is installed in accordance with the manufacturer's installation instructions.
- b. If the fireplace is equipped with a damper, it shall either be removed or welded in an open position.
- c. The flue passageway shall be not less than 1 square inch per 2,000 Btu/h input and not more than 4 square inches per 2,000 Btu/h input.
- d. Gas logs shall be equipped with a pilot and shall have a listed safety shutoff valve.
- e. Gas logs shall be vented with a Class 'A' Chimney.

- f. Gas logs may be installed in factory-built fireplaces only when (a) the fireplace and gas logs are listed for use together as an individual unit (b) the fireplace is approved for use with any listed gas log or (c) the fireplace manufacturer provides prior written approval for the installation.
- g. Gas logs shall be provided with a motorized damper interlocked with the electronic ignition of the unit.

Exception: The installation of gas logs in factory-built fireplace units for which the manufacturer cannot be identified or located may be approved by the building official in his or her discretion. Any approval shall be based at a minimum, on written evidence submitted by the gas log manufacturer that the installation of their product will not compromise the integrity of the existing fireplace.

- (19) Section 603.1 is amended to read as follows:

603.1 General. Log lighters are prohibited.

- (20) Section 618.3 is amended to add a subsection as follows:

618.3.1 Outside air sources. Outside air shall not be obtained from an exterior opening within 36-inches of finished ground level.

- (21) Section 621 Unvented room heaters is hereby repealed in its entirety.

- (22) Section 634 is hereby repealed in its entirety.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-2-80 Plumbing code.

The Colorado Plumbing Code, as adopted by the State of Colorado Department of Regulatory Agencies, as listed in Rule 3 CCR 720-1, pursuant to the authority granted to the Colorado Plumbing Board by Sections 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Plumbing Code as if fully set out in this Section with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River."
- (2) Section 101.3 Intent is amended by adding the following:

The intent of this code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications, or standards in the Colorado Plumbing Code conflict with this code, the more restrictive shall apply.
- (3) Section 103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (4) Section 103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (5) Section 103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (6) Section 106.5.3 Expiration is amended to read exactly as set forth in IBC amendment 105.5.
- (7) Section 106.5.4 Extensions is hereby repealed in its entirety.
- (8) Section 106.6.2 Fee schedule is amended to read exactly as set forth in IMC amendment 106.5.2.
- (9) Section 106.6.3 Fee refunds is amended to read exactly as set forth in IMC amendment 106.5.3.
- (10) Section 106.6 is amended to add a new subsection as follows:

106.6.4 Reinspections, to read exactly as set forth in IBC amendment 110.7.
- (11) Section 301 is amended by adding a new subsection as follows:

301.8 Floor drains. All mechanical rooms (furnace, boiler, water heater rooms) shall be provided with a floor drain.

- (12) Section 305.4.1 is amended to read as follows:

305.4.1 Sewer depth. Building sewers shall be installed in accordance with the standards and subject to the approval of the governing Sanitation District.

- (13) Section 312.3 is amended by deleting the first sentence: Plastic pipe shall not be tested using air.

- (14) Section 312.5 Water supply system testing. The portion of the sentence reading "for piping systems other than plastic," shall be deleted.

- (15) Section 312.6 is amended to read as follows:

312.6 Gravity sewer test. Testing of the building sewer shall be in accordance with the standards and subject to the approval of the governing Sanitation District.

- (16) Section 312.7 is amended to read as follows:

312.7 Forced sewer test. Testing of the building sewer shall be in accordance with the standards and subject to the approval of the governing Sanitation District.

- (17) Section 504.7.2 is amended to read as follows:

504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain.

- (18) Section 608.17 is amended to read as follows:

608.17 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with Summit County Environmental Health regulations.

- (19) Section 608.17.1 through 608.17.10 are deleted.

- (20) Section 610.1 is amended to read as follows:

610.1 General. New or repaired potable water systems shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed in accordance with this requirement shall be that method or methods prescribed by the governing water authority.

- (21) Section 701.2 is amended to read as follows:

701.2 Sewer required. Every building in which plumbing fixtures are installed and as well as all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with Summit County Environmental Health Department requirements.

(Ord. No. 2022-06, § 1, 12-20-2022; Ord. No. 2023-01, § 3, 4-25-2023)

Sec. 18-2-90 Energy conservation code.

The International Energy Conservation Code, 2018 edition, fourth printing March 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Energy Conservation Code as if fully set out in this Section with the additions, deletions, insertions and changes as follows:

- (1) Section C101.1 is amended by adding the name "Town of Blue River."

- (2) Table R402.1.2 is amended to add a Footnote "h" as set forth in IRC Amendment Table N1102.1.2.
- (3) Table R402.1.2 Footnote d is amended to read as follows"
 - d. R-10 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs. as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.
- (4) Section C101.1 is amended by adding the name "Town of Blue River."
- (5) Section C103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (6) Section C103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (7) Section C103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (8) Section C106.4.3 Expiration is amended to read exactly as set forth in IBC Amendment 105.5.
- (9) Section C106.5.4 Extensions is hereby repealed in its entirety.
- (10) Section C106.6.2 Fee schedule is amended to read exactly as set forth in IBC amendment 109.2.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-2-100 Electrical code.

The National Electrical Code, as adopted by the State of Colorado Department of Regulatory Agencies, as listed in Rule 3 CCR 710-1, is hereby adopted by reference as the Town of Blue River Electrical Code as is fully set out in this Section.

No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the National Electrical Code, as adopted by the State of Colorado on the date of the passage of the ordinance from which this section is derived.

(Ord. No. 2022-06, § 1, 12-20-2022; Ord. No. 2023-01, § 4, 4-25-2023)

ARTICLE III Fire Code

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S. there is hereby adopted by reference the International Fire Code, 2018 Edition, originally published by the International Code Council, 500 New Jersey Avenue, NW, 6th floor, Washington, DC, 20001- 2070, in the form amended, published, and promulgated by the Red, White and Blue Fire Protection District ("fire district"), 316 N. Main Street, Breckenridge, Colorado, 80424. The fire district amended the International Fire Code by the district's Resolution No. 2019-06 and, as amended by the district and as adopted by the ordinance from which this Section derived, the Fire Code is hereinafter referred to for purposes of this Municipal Code as the "Blue River Fire Code" or the "Fire Code."

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-3-20. Copies available.

In addition to copies of any code as may be required to be retained by the Town Clerk, copies of the referenced codes and standards are available for public inspection and review by any interested party at ICCSAFE.org and at Red, White and Blue Fire Protection District 316 N. Main Street, Breckenridge, Colorado, 80424.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-3-30. Definitions.

- (a) Whenever the words "fire department," "district," or "fire district" are used in the Fire Code, such words shall mean the Red, White and Blue Fire Protection District.
- (b) Whenever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Blue River or the Red, White and Blue Fire Protection District as the case implies.

(Ord. No. 2022-06, § 1, 12-20-2022)

Sec. 18-3-40. Amendments.

- (a) The term and definition of "Permanent Fire Ring" as used in the 2018 International Fire Code is amended and replaced with the following term and definition:

Permanent Outdoor Fireplace or Fire Ring. A permanently constructed feature, with a screen that prevents ember emissions, and without air gaps in its surrounding sides and a solid bottom, or earthen bottom free of roots and other organic material, used to contain campfires and prevent them from spreading and turning into a wildfire.

- (b) The term and definition of "Portable Outdoor Fireplace" as used in the 2018 International Fire Code is amended and replaced with the following term and definition:

Portable Outdoor Fireplace or Chiminea. A commercially designed and manufactured device with a screen that prevents ember emissions that is placed on a surface barren of combustible materials.

- (c) The term and definition of "Recreational Fire" as used in the 2018 International Fire Code is amended and replaced with the following term and definition:

Recreational Fire. An outdoor fire on private land contained to a commercially designed and manufactured fireplace, a permanent outdoor fireplace or fire ring, of a portable outdoor fireplace or chiminea that is assembled, located and operated in accordance with the manufacturer's or designer's instructions. The fire shall not exceed a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height. A solid fuel source such as wood or charcoal must be used and the fire is intended for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. Recreational fire shall not be used for the purpose of waste removal or trash incineration.

- (d) A new Section 307.4.3 is added to read as follows:

Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

- (e) Appendix O of the 2018 International Fire Code is hereby deleted.

(Ord. No. 2022-06, § 1, 12-20-2022)

ARTICLE IV General Penalty for Violations

Sec. 18-4-10. Penalty

It is unlawful and shall be a violation of the Municipal Code for any person to erect, install, repair, alter, relocate, add to, replace, demolish, use, occupy, or maintain any building or structure, or cause or permit the same

to be done, in violation of any code adopted by this Chapter 18, as may be amendment or supplemented. In addition to other penalties or sanctions set forth in the adopted code or in this Section, a person who violations a provision of Chapter 18 may have his or her license and/or permit revoked or suspended and/or may receive a penalty in an amount not to exceed the maximum amount authorized by this Chapter and in Section 1-4-20 of the Municipal Code.

(Ord. No. 2022-06, § 1, 12-20-2022)