

**MUNICIPAL CODE
OF THE
TOWN OF FOXFIELD, COLORADO**

2012

A Codification of the General Ordinances

of the Town of Foxfield, Colorado

**Beginning with Supp. No. 5,
Supplemented by Municipal Code Corporation**

municode

Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316
info@unicode.com | 800.262.2633
www.municode.com

OFFICIALS

of the

TOWN OF FOXFIELD

Mayor

Lisa Jones

Board of Trustees

Lori Denise Finch

Scott Freas

Dave Goddard

Amy Snell-Johnson

Pat Thompson

Allyson Zoellner

Town Administrator

Cheryl Kuechenmeister

MUNICIPAL CODE OF THE TOWN OF FOXFIELD, COLORADO

Town Clerk
Randi Gallivan

Town Attorney
Corey Hoffman

SUPPLEMENTATION

The Foxfield, Colorado Municipal Code, originally published by Colorado Code Publishing Company, will be kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

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

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

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

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

AMENDMENTS

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

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

The Foxfield Municipal Code is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

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

The Foxfield Municipal Code is amended by the addition of the following:

(Set out section title and contents)

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

Section 2-2-90 of the Foxfield Municipal Code is repealed in its entirety and readopted to read as follows:

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

or as follows:

Section 2-2-90 of the Foxfield Municipal Code is amended to read as follows:

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

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

Section 2-2-90 of the Foxfield Municipal Code is repealed in its entirety.

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PREFACE

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

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

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

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

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

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

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

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STATE OF COLORADO
TOWN OF FOXFIELD, COLORADO
ORDINANCE NO. 01, 2012

A BILL FOR AN ORDINANCE OF THE TOWN OF FOXFIELD, COLORADO, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF FOXFIELD; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be It Ordained by the Board of Trustees of Foxfield, Colorado:

Section 1. The Code entitled the Foxfield Municipal Code published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, with Tables and Index, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Foxfield Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 3. The following codes were previously adopted by reference and incorporated in the Foxfield Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

- (1) The *International Building Code* , 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10, et seq.;
- (2) The *International Residential Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-2-10, et seq.;
- (3) The *National Electrical Code* , 2008 edition, published by the National Fire Protection Association, as adopted in Section 18-3-10;
- (4) The *International Mechanical Code* , 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-4-10, et seq.;
- (4) The *International Plumbing Code* , 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-5-10, et seq.;
- (6) The *International Fire Code* , 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-6-10, et seq.;
- (7) The *International Fuel Gas Code* , 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-7-10, et seq.;
- (8) The *International Energy Conservation Code* , 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-8-10, et seq.;
- (9) The *ANSI Manual, A117.1* , 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-9-10, et seq.;
- (10) The *ASME A17.1 Elevator/Escalator Code*, 2004 edition , published by ASME International, as adopted and amended in Section 18-10-10, et seq.; and
- (11) The *Uniform Code for the Abatement of Dangerous Buildings* , 1997 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-11-10, et seq.

Section 4. The following codes are hereby adopted by reference and incorporated in the Foxfield Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

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- (1) The *Model Traffic Code for Colorado*, 2010 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.

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

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

Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-40. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

- (2) **Sec. 1-4-30. Altering or tampering with Code; penalty. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who alters or tampers with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punished as provided by Section 1-4-20 hereof.

- (3) **Sec. 1-4-40. Penalty for violations of ordinances adopted after adoption of Code. (Chapter 1, General Provisions; Article 4, General Penalty)**

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation.

- (4) **Sec. 2-4-70. Court costs. (Chapter 2, Administration and Personnel; Article 4, Mayor and Board of Trustees)**

- (a) Whenever the presiding judge imposes any fine for any violation of a municipal ordinance, in addition to any such fine or any other sentence, the Municipal Judge may also impose the following costs:

- (1) Twenty-five dollars (\$25.00) upon the entry of a plea of guilty or no contest, or the finding of guilt by the Municipal Court.
- (2) Twenty-five dollars (\$25.00) upon the issuance of a bench warrant for failing to appear in Court, failing to pay fines and costs, or failing to comply with any order of the Court.
- (3) Five dollars (\$5.00) for each subpoenaed Town witness who appears at a trial upon a finding of guilty by the Court or by the jury, or upon the entry of a plea of guilty or no contest on the date of trial.

- (b) For all appeals from decisions in the Municipal Court to the Arapahoe County District Court, the Municipal Judge as ex-officio Clerk or the Municipal Court Clerk shall require a transcript deposit according to the following schedule:

- (1) One hundred fifty dollars (\$150.00) transcript deposit for a trial to the Court; and
- (2) Two hundred dollars (\$200.00) transcript deposit for a trial to a jury.

- (c) The Municipal Judge as ex-officio Clerk or the Municipal Court Clerk shall charge the transcript preparation fee and photocopy cost prescribed by the Supreme Court of Colorado. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of a transcript is less than the transcript deposit, then the balance will be refunded to the requesting party by the Municipal Court Clerk. If the preparation cost of the transcript is more than the transcript deposit, the Municipal Judge as ex-officio Clerk or the Municipal Court Clerk shall require the requesting party to pay the additional cost to prepare

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the transcript. The Municipal Judge may waive the transcript deposit and transcript preparation cost in all instances of proven indigence.

(5) **Sec. 4-4-110. Neglect or refusal to make return or to pay. (Chapter 4, Revenue and Finance; Article 4, Use Tax)**

If a person neglects or refuses to make a return in payment of the use tax or to pay any use tax as required, the Town shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate imposed under Section 4-4-150, plus one-half of one percent (.5%) per month from the date when due.

(6) **Sec. 6-1-160. Penalty. (Chapter 6, Business Licenses and Regulations; Article 1, Business Licenses)**

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person who is found guilty of, or pleads guilty or nolo contendere to the violation of any section of this Code shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(7) **Sec. 6-2-50. Suspension or revocation; fine. (Chapter 6, Business Licenses and Regulations; Article 2, Liquor Licensing Regulations)**

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

- (1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
- (2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
- (3) That the retail licensee has not had his license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

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

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

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

(e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently

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staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

- (f) If the Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.
- (8) **Sec. 6-2-270. Penalty for violation. (Chapter 6, Business Licenses and Regulations; Article 2, Liquor Licensing Regulations)**
- (a) Any licensee who violates the terms of this Article may be subject to suspension or revocation of his license pursuant to Section 12-47-601, C.R.S.
 - (b) Whenever the Board of Trustees' decision to suspend a license for fourteen (14) or fewer days becomes final, whether by failure of the licensee to appeal the decision or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension or such earlier date as the Board of Trustees may designate in its decision, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. The Board of Trustees may, in its sole discretion, stay the proposed suspension in part or in whole and grant the petition if it finds, after any investigation, that it deems desirable that:
 - (1) The public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purpose;
 - (2) The books and records of the licensee are kept in such a manner that the loss of sales during the proposed suspension can be determined with reasonable accuracy; and
 - (3) The licensee has not had its license suspended or revoked nor had any suspension stayed by payment of a fine during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the license.
 - (c) Payment of any fine shall be in the form of cash, a certified check or a cashier's check payable to the Town. Such fine shall be paid into the general fund of the Town.
 - (d) The Board of Trustees may grant such conditional or temporary stays as are necessary for it to complete its investigations, to make its findings as specified in Subsection (b) of this Section, and to grant a permanent stay of the entire or part of the suspension. If no permanent stay is granted, the suspension shall go into effect on the operative date finally set by the Board of Trustees.
- (9) **Sec. 7-1-90. Notice of abatement. (Chapter 7, Rural Residential Property Standards; Article 1, Administration and Abatement of Nuisances)**
- ...
- (f) Penalty.
 - (1) Violations of this Chapter shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense. In addition, the Town may seek restitution of all costs associated with any search warrant and enforcement actions in the event a violation is found, abatement and/or prosecution of a nuisance, including but not limited to the actual costs of said search warrant and enforcement actions and any other actual costs incurred by the Town.
 - (2) The Town may elect to file a summons and complaint without first seeking to abate an alleged nuisance condition for any violations of this Chapter.
- (10) **Sec. 7-1-100. Judicial enforcement. (Chapter 7, Rural Residential Property Standards; Article 1, Administration and Abatement of Nuisances)**

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...

- (c) Upon a finding of a nuisance and violation of any provision of this Article by any defendant, if the proceeding is brought in the Municipal Court, the Court shall impose the following minimum penalty unless the Town, through the Town Attorney, requests or consents to a lesser or different penalty:
 - (1) Enjoin or otherwise order the defendant to fully abate and remedy the nuisance within a specified and reasonable period of time not to exceed seven (7) days following the entry of the court's order;
 - (2) Fine the defendant for each violation an amount not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
 - (3) Order the defendant to forthwith pay restitution to the Town for the actual costs or loss caused to the Town by the violation, including but not limited to administrative expenses, costs to protect the public from the nuisance, court costs and attorney fees; and
 - (4) Authorize the Town to assess any unpaid costs and expenses for abatement imposed by the Court in Paragraph (3) above as a lien against the owner's property and certify such lien to the County Clerk and Recorder for collection in the same manner as real estate taxes against the property. Each such lien shall have priority over other liens except general taxes and prior special assessments.
- (d) In addition to the minimum penalty required by this Section, the Court shall be authorized to:
 - (1) Imprison the defendant for a term not more one (1) year for each violation;
 - (2) Permanently enjoin the defendant from further engaging in the use of the property in a manner that would constitute a nuisance;
 - (3) Find the defendant in contempt of court and assess a penalty as specified by the Court, including a fine and/or imprisonment for failure to abide by, comply with or conform to any court order or injunction; and/or
 - (4) Impose any other penalty authorized by law.

(11) Sec. 7-1-180. Violations and penalties. (Chapter 7, Rural Residential Property Standards; Article 1, Administration and Abatement of Nuisances)

Any person who violates any of the provisions of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(12) Sec. 7-2-20. Licensing of dogs required. (Chapter 7, Rural Residential Property Standards; Article 2, Animals)

- (a) Any owner, keeper or possessor of a dog commits a class 2 petty offense if such dog is more than one hundred eighty (180) days old and a current license issued by the Director has not been acquired for such dog.
- (b) It is the responsibility of any owner, keeper or possessor of a dog to cause such dog to wear at all times a metal tag bearing the legible number of a current dog license issued to such dog, as provided for in Section 7-2-30 of this Article. At a trial concerning a violation charged under this Section, the absence of such tag upon a dog shall be prima facie evidence that such dog was not properly licensed.
- (c) No person charged with violating this Section shall be convicted if he produces to the Court or produces to the Director or an Animal Control Officer, where such person has been issued a penalty assessment summons and complaint, a license for the dog which was current and in effect on the date of the alleged violation concerning such dog.

(13) **Sec. 7-2-140. Penalties. (Chapter 7, Rural Residential Property Standards; Article 2, Animals)**

- (a) Each violation of any provision of this Article which constitutes a class 2 petty offense, notwithstanding the provisions of Section 18-1.3-503, C.R.S., shall be punishable upon conviction by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.
- (b) Any offense and repeated offenses of Section 7-2-70 of this Article shall require a mandatory court appearance. Each violation of Section 7-2-70 shall be punishable, upon conviction, by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.
- (c) By the authority granted in Section 30-15-102, C.R.S., and in addition to Subsection (a) above, the penalty assessment procedures as provided for in Title 16, Article 2, Part 2, C.R.S., are herein adopted by reference. If, in the discretion of the Director, such penalty assessment procedures are utilized in relation to class 2 petty offense violations of this Article, except for violations of Section 7-2-70 of this Article, the following graduated penalty assessment schedule shall be applicable:
 - (1) First offense: fifty dollars (\$50.00).
 - (2) Second repeated offense: one hundred dollars (\$100.00).
 - (3) Third repeated offense: three hundred dollars (\$300.00).
 - (4) Fourth repeated offense: five hundred dollars (\$500.00).
 - (5) Fifth and above repeated offenses: mandatory court appearance.
 - (6) Repeated offenses shall be cumulative only within a three-hundred-sixty-five-day period counting from and including the day of the first violation.
 - (7) Repeated offense means a conviction of a person for an additional repeated violation of the same provisions of this Article, for which violation of said same provision of such person has been previously convicted.
- (d) Each violation of any provision of this Article which constitutes a class 2 misdemeanor by involving bodily injury to any person by a dog shall be punished upon conviction as provided for in Section 18.1.3-501, C.R.S.

(14) **Sec. 8-1-30. Amendments. (Chapter 8, Model Traffic Code; Article 1, Model Traffic Code)**

...

- (16) Subsection 614(1)(a) is modified to read as follows:

"If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits the equivalent to certain State violations listed in section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 42-4-1701(4)(c), C.R.S."

- (17) Subsection 614(1)(b) is modified to read as follows:

"If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits the equivalent to certain State violations listed in section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 42-4-1701(4)(c), C.R.S."

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- (30) Section 1208 shall be modified by deleting therefrom the existing Section 1208 and substituting in its place the following:

"1208. Parking for persons with mobility handicaps.

...

"e. It shall be unlawful for any motor vehicle without distinguishing license plates or any identifying placard obtained by a person with mobility handicap as prescribed by law to be parked in a parking space identified as being reserved for use by the handicapped. Notwithstanding any other provision of the Model Traffic Code, the penalty resulting from conviction of a violation of this section 1208 or any subpart thereof shall be a fine of not less than fifty dollars (\$50.00) nor more than four hundred ninety-nine dollars (\$499.00). In enforcing this section 1208, the municipal court shall not have the authority to suspend all or any part of any fine or violation hereof so as to result in a fine of less than fifty dollars (\$50.00), it being the intent of the Board of Trustees of the Town of Foxfield that section 1208 of this Code be strictly and diligently enforced so as to provide adequate parking of persons with mobility handicaps free from the interference of those not so handicapped."

(15) **Sec. 8-1-60. Penalties. (Chapter 8, Model Traffic Code; Article 1, Model Traffic Code)**

It shall be unlawful for any person to violate any of the provisions stated or adopted in this Article.

- (1) Except as provided in Paragraph (2) below, failure to comply with the terms of this Article shall constitute a civil traffic infraction punishable by a civil penalty of not more than four hundred ninety-nine dollars (\$499.00) to be determined and assessed at the discretion of the Municipal Judge, which discretion may be based upon a fine schedule adopted by Resolution of the Board of Trustees.
- (2) Any violations of Section 1105, Speed Contests - Speed Exhibitions; Section 1401, Reckless Driving; and Section 1413, Eluding or Attempting to Elude Police Officer, of the Model Traffic Code shall constitute a misdemeanor traffic violation, punishable by a fine of not more than nine hundred ninety-nine dollars (\$999.00) per violation or per count, or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment; provided, however, that nothing contained herein shall empower the court to subject any person under the age of eighteen (18) to any imprisonment as a portion of a penalty for violation of the provisions of this Article.
- (3) Except for persons who are charged with one of the offenses specified in Paragraph (2) above regarding penalties, if a person fails to appear at a hearing before the Court at the date and time specified in the summons and complaint, or at such other time as the court may order, the Municipal Court shall enter a default judgment, assess an appropriate civil penalty and assess applicable court costs. A default judgment shall have the same legal effect as a plea of guilty or a conviction at trial. The Municipal Court shall report its entry of a default judgment, a plea of guilty or no contest, a conviction or a forfeiture of bail against every person concerning any charge specified in this Section, to the Colorado Department of Revenue, Motor Vehicles Division, and the Motor Vehicles Division may thereafter assess penalty points against such person's driving privileges. Following such a report by the Municipal Court, the provisions of Section 42-4-1709(7), C.R.S., shall control any outstanding obligations to the Municipal Court.

....

(16) **Sec. 8-1-80. Weight limitations. (Chapter 8, Model Traffic Code; Article 1, Model Traffic Code)**

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- (a) Excess weight; weight limitation. Notwithstanding the specific weight limits set forth in Part 5 of the adopted code, no truck shall be moved or operated or be permitted to be moved or operate on any street, bridge or highway within the Town when the empty weight thereof exceeds seven thousand (7,000) pounds.
- (b) Exceptions. The terms of this Section shall not apply to the following:
 - (1) Vehicles which are traveling within the Town to make a delivery within the corporate limits of the Town;
 - (2) Authorized emergency vehicles;
 - (3) Public transportation vehicles operated by municipalities or other political subdivisions of the State;
 - (4) County road maintenance and construction equipment;
 - (5) Town road maintenance and construction equipment;
 - (6) Vehicles registered at an address within the corporate limits of the Town; and
 - (7) Colorado State Highway 83 or Arapahoe Road.
- (c) Penalties. Any violations of this Section shall be traffic infractions punishable by civil penalties of not more than four hundred ninety-nine dollars (\$499.00) per violation or count to be determined and assessed at the discretion of the Court. Excess weight violations shall be considered traffic infractions and shall constitute civil matters.

(17) Sec. 11-2-40. Penalty. (Chapter 11, Streets, Sidewalks and Public Property; Article 2, Newly Paved and Constructed Street)

Violations of this Article shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00). The Town further reserves the right to seek restitution for any actual pecuniary damages arising from a violation of this Article. However, nothing in this Article shall be construed to impair any common law or statutory cause of action, or legal or equitable remedy therefrom, including injunctive relief, or any person for injury or damage arising from any violation of this Article from other law.

(18) Sec. 11-3-20. Penalties. (Chapter 11, Streets, Sidewalks and Public Property; Article 3, Excavations)

Any person convicted of violating the provisions of this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(19) Sec. 11-4-20. Permit required. (Chapter 11, Streets, Sidewalks and Public Property; Article 4, Access, Approaches, Driveways, Mailboxes and Right-of-Way Permits)

- (a) A right-of-way use permit shall be required for the construction, installation and maintenance of any street, sidewalk, driveway, curb cut, bore or trench. A permit is also required for any substantial modification of existing features or uses of any street or Town right-of-way. Depending upon the type of work to be done, one (1) or more of the following permits may be required:
 - (1) Public right-of-way license, in accordance with Section 11-4-30 below; or
 - (2) Public right-of-way use permit, in accordance with Article 5 of this Chapter; or
 - (3) Overlot grading permit. Application for such permits shall be submitted to the office of the Town Clerk.
- (b) It shall be unlawful and deemed a violation of this Chapter to commence construction in or alteration of streets or Town rights-of-way without an approved permit, and any such violation shall be subject to the penalties set forth in Section 11-2-40 of this Chapter.

(20) Sec. 11-5-260. Penalties. (Chapter 11, Streets, Sidewalks and Public Property; Article 5, Work Permits in the Public Right-of-Way)

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- (a) If any person is found guilty of or pleads guilty to a violation of any of the provisions of this Article, he shall be punished as provided in Section 1-4-20. Each and every day or portion thereof during which a violation is committed, continues or is permitted shall be deemed a separate offense.
- (b) In addition to or in lieu of the penalties set forth in Subsection (a), the Town may impose the following monetary penalties:
 - (1) For any occupancy of a travel lane or any portion thereof beyond the time periods or days set forth in the traffic control plan approved by the Town:
 - a. During the hours of 6:30 a.m. through 8:30 a.m. and 3:30 p.m. through 6:00 p.m., Monday through Friday: fifty dollars (\$50.00) for each fifteen (15) minutes, or portion thereof, for a maximum of one thousand dollars (\$1,000.00) per day.
 - b. At any time other than the times specified in Subsection (a): twenty-five dollars (\$25.00) for each fifteen (15) minutes, or portion thereof, for a maximum of five hundred dollars (\$500.00) per day.
 - (2) For commencing work without a valid permit: two hundred fifty dollars (\$250.00), plus twice the applicable permit fee.
 - (3) For any other violation of a permit: one hundred twenty-five dollars (\$125.00) per violation, with no maximum amount.
- (c) The penalties set forth in this Section shall not be the Town's exclusive remedy for violations of this Article and shall not preclude the Town from bringing a civil action to enforce any provision of a public right-of-way permit or to collect damages or recover costs associated with any use of the public rights-of-way. Furthermore, the exercise of one (1) penalty shall not preclude the Town from exercising any other penalty.

(21) Sec. 16-1-90. Enforcement. (Chapter 16, Zoning; Article 1, General Provisions)

- (a) Issuance of Permits. All officials, employees and consultants of the Town vested with the duty or authority to issue permits shall not issue any permit, certificate or license in conflict with the provisions of this Chapter. Any such permit, certificate or license issued in conflict with the provisions of this Chapter shall be null and void.

- (b) Enforcement Responsibilities.

....

- (5) Any person engaging in development, change of use, modification or enlargement of use of any land, building or structure that is subject to this Chapter who does not obtain any necessary permits, approvals or variances as prescribed by this Chapter, who does not comply with permit, approval or variance requirements, who acts outside the authority of the permit, approval or variance or who otherwise violates any of the provisions of this Chapter, may be enjoined by the Town from engaging in such activity and may be subject to the procedures and penalties described below.
 - a. No building or structure shall be erected, moved or structurally altered unless a building permit has been issued by the Building Official or his authorized representative. All building permits shall be issued in conformance with the provisions of this Zoning Ordinance, and all other applicable regulations and shall be valid for a period of time not exceeding one (1) year from the date of issue.
 - b. No land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used, unless the owner shall have obtained a certificate of occupancy from the Building Official. After inspection by the Building Official and provided that the use shall be in conformance with the provisions of this Chapter and all other applicable regulations, a certificate of occupancy shall be issued. A copy of all certificates of occupancy shall be filed by the Building

Official and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

- c. The Town is empowered, pursuant to Article 5 of this Chapter, to order in writing the remedy of any violation of any provision of this Chapter. After any such order has been served, no work on or use of any building, other structure or tract of land covered by such order shall proceed, except to correct such violation or comply with said order.
- d. Building permits for new nonresidential construction may be referred to the Town Planner and Town Engineer for review of necessary public improvements.
- e. The Town shall not accept any land use application for property currently being used or occupied in violation of this Chapter unless said application seeks to obtain an approval by the Town that would cause the property to be in compliance with the regulations of the Town.

(22) **Sec. 16-1-100. Penalties. (Chapter 16, Zoning; Article 1, General Provisions)**

Any person, firm or corporation, whether as principal agent, employee or otherwise, who violates any of the provisions of this Chapter shall be fined an amount not to exceed four hundred ninety-nine dollars (\$499.00) for each such violation, such fine to inure to the Town. Each day of the documented existence of any situation held to be a violation shall be deemed an equal and separate offense.

(23) **Sec. 16-3-100. Sign standards. (Chapter 16, Zoning; Article 3, General Regulations and Development Standards)**

...

- (l) Enforcement. Any sign not expressly allowed by this Section is prohibited. The Town shall be vested with the duty of enforcing this Section and, in performance of such duty, shall be empowered and directed to:

...

- (3) Legal action. In addition to those penalties set forth in Section 16-1-100 of this Chapter, the Town is hereby authorized to take appropriate action in a court of competent jurisdiction, including the Municipal Court, to: (a) abate or remove unsafe or dangerous signs pursuant to the provisions of applicable Town nuisance regulations or any other applicable regulations; and (b) seek removal of illegal signs as a remedy in the Municipal Court. The Town is specifically authorized to impose fines not to exceed four hundred ninety-nine dollars (\$499.00) per day per violation and, in addition, to seek restitution for any costs associated with the abatement of illegal signs and the enforcement of these sign regulations. The Town is further authorized to immediately remove any signs placed on Town property not in compliance with these regulations.

(24) **Sec. 16-4-50. Grading, erosion and sediment control requirements. (Chapter 16, Zoning; Article 4, Special Requirements)**

...

- (f) Penalty. it shall be unlawful for any person to violate the provisions of this Section. Any person convicted of violating any provision of this Section shall, upon conviction, be punished by a fine of not more than four hundred ninety-nine dollars (\$499.00) per day for each separate offence. Each day a violation of this Section continues shall constitute a separate offense. The Town may also seek upon a finding of a violation of this Section an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. A person convicted of violating the provisions of this Section shall also be liable for the actual cost of rehabilitating the property.

(25) **Sec. 16-5-70. Variances. (Chapter 16, Zoning; Article 5, Administration and Procedure)**

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(a) Variances.

(1) The Board of Adjustment may authorize variances from the requirements of this Chapter subject to terms and conditions fixed by the Board of Adjustment. A variance from the terms of this Chapter shall be considered an extraordinary remedy and the conditions set forth below are intended as limitations on the Board of Adjustment's power to authorize variances.

(2) The endorsement of the variance by adjacent landowners does not relieve the applicant of the burden of meeting all of the requirements set forth in this Section. No variance shall be authorized unless the Board of Adjustment finds all of the following:

...

i. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Chapter and the Comprehensive Plan and particularly the standards set forth in this Section. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation and punishable under Section 16-1-100 of this Chapter.

...

(26) **Sec. 18-1-40. Violation, penalty. (Chapter 18, Building Regulations; Article 1, Building Code)**

(a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.

(b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.

(27) **Sec. 18-2-40. Violation, penalty. (Chapter 18, Building Regulations; Article 2, Residential Code)**

(a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.

(b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.

(28) **Sec. 18-3-40. Violation, penalty. (Chapter 18, Building Regulations; Article 1, Electrical Code)**

(a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.

(b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.

(30) **Sec. 18-4-40. Violation, penalty. (Chapter 18, Building Regulations; Article 4, Mechanical Code)**

(a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.

(b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.

- (27) **Sec. 18-5-40. Violation, penalty. (Chapter 18, Building Regulations; Article 5, Plumbing Code)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
- (31) **Sec. 18-6-30. Amendments. (Chapter 18, Building Regulations; Article 6, Fire Code)**
- (a) The code adopted herein is hereby modified by the following amendments:
...
 - (3) Section 109.3 shall read as follows:
" **109.3 Violation, penalties.** Persons who shall violate a provision of this code shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than nine hundred ninety-nine dollars (\$999.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."
 - (4) Section 111.4 shall read as follows:
" **111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable by a fine of not more than nine hundred ninety nine dollars (\$999.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment. Each say that a violation continues after due notice has been served shall be deemed a separate offense."
- (32) **Sec. 18-6-40. Violation, penalty. (Chapter 18, Building Regulations; Article 6, Fire Code)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
- (33) **Sec. 18-7-40. Violation, penalty. (Chapter 18, Building Regulations; Article 7, Fuel Gas Code)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
- (34) **Sec. 18-8-40. Violation, penalty. (Chapter 18, Building Regulations; Article 8, Energy Conservation Code)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.

MUNICIPAL CODE OF THE TOWN OF FOXFIELD, COLORADO

- (35) **Sec. 18-9-40. Violation, penalty. (Chapter 18, Building Regulations; Article 6, ANSI Manual)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
- (36) **Sec. 18-10-40. Violation, penalty. (Chapter 18, Building Regulations; Article 10, Elevator and Escalator Code)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
- (37) **Sec. 18-11-40. Violation, penalty. (Chapter 18, Building Regulations; Article 11, Dangerous Buildings Code)**
- (a) It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of this Article.
 - (b) Violations of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

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

INTRODUCED this 16th day of February, 2012.

ATTEST:

Randi Gallivan, Town Clerk

(SEAL)

TOWN OF FOXFIELD , COLORADO

Douglass W. Headley, Mayor

ADOPTED AND ORDERED PUBLISHED on this 15th day of March, 2012.

ATTEST:

Randi Gallivan, Town Clerk

(SEAL)

MUNICIPAL CODE OF THE TOWN OF FOXFIELD, COLORADO

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

TOWN OF FOXFIELD , COLORADO

Douglass W. Headley, Mayor