



Town of Green Mountain Falls

Board of Trustees Meeting Agenda

P.O. Box 524; 10615 Green Mountain Falls Road

Green Mountain Falls, CO 80819

Tuesday, September 21, 2021, at 7:00 p.m.

Zoom Meeting Link and Login Info

<https://us02web.zoom.us/j/87662693365?pwd=dytwV0lYV3RldWNHSStDY3hzVTdmQT09&from=addon>

Zoom meeting ID= 876 6269 3365 Meeting password= 278185 For Dial-in only: 1-346-248-7799

To make a **public comment** please **pre-register** by 4pm on the day of the meeting via email: clerk@gmfco.us

REGULAR MEETING:

TIME*		ITEM	DESIRED OUTCOME
7:00	1.	CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE	
7:00	2.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	
7:00	3.	CONSENT AGENDA <ul style="list-style-type: none"> a. Accounts Payable from September 4, to September 17, 2021 b. Board of Trustees Meeting Minutes September 7, 2021 c. 2022 CIRSA Renewal d. Parks, Recreation, & Trails Membership Appointment 	BOT Action Desired
7:05	4.	USA Pools Presentation, Presented by Alison Abbott	Informational Only
7:30	5.	Comprehensive Plan Progress Overview	Informational Only
	6.	Stimulus Funding Update	BOT Action Desired
	7.	2022 Budget Considerations & First Draft 2022 Budget <ul style="list-style-type: none"> a. Per (C.R.S 29-1-05) Budget officer must submit a first draft proposed budget to the governing body by October 15. b. Per (C.R.S. 29-1-106(1)) Governing body must publish "Notice of Budget" upon receiving proposed budget. 	BOT Action Desired
8:00	8.	Municipal Code Rewrite/Revisions, Remaining Chapters 5, 7, 8, 10	BOT Action Desired
9:50	9.	REPORTS <ul style="list-style-type: none"> a. Trustee Reports b. Committee Reports c. Staff Reports 	Information Only
10:00	10.	CORRESPONDENCE <ul style="list-style-type: none"> a. Fitness Court Memorandum of Understanding b. Letter(s) from Resident(s) 	Information Only
10:05	11.	PERSONS PRESENT NOT ON THE AGENDA: 3 MINUTES PER SPEAKER	
10:15	12.	ADJOURN	

Town of Green Mountain Falls
Vendor Invoices Journal
from August 17, 2021 to September 17, 2021

<u>Date</u>	<u>Reference</u>	<u>Entity Number</u>	<u>Name</u>	<u>Acct Number</u>	<u>Acct Name</u>	<u>Amount</u>
1-00-00-2000 General-Accounts Payable						
08/31/2021	56	Hoffman	Hoffman, Parker, Wilson & Carberry	1-20-02-5114	General-Interdepartmental-Operations-Services - Town Attorney	1,922.59
08/31/2021	7	Hoffman	Hoffman, Parker, Wilson & Carberry	1-20-02-5114	General-Interdepartmental-Operations-Services - Town Attorney	1,131.00
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	399.56
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	212.41
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	722.12
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5124	General-Public Works-Operations-Maintenance - Roads	2,565.64
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-50-02-5112	General-Parks and Recreation-Operations-Services - Non-Professional (Labor)	400.00
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	35.98
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-10-02-5129	General-Administration-Operations-Supplies - Office	10.55
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-20-02-5110	General-Interdepartmental-Operations-Services - IT	240.00
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-03-5205	General-Public Works-Utilities-Utilities - Trash	111.72
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	44.97
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-10-03-5202	General-Administration-Utilities-Utilities - Telephone/Internet	149.85
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	127.77
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	9.80
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5124	General-Public Works-Operations-Maintenance - Roads	3,673.05
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5125	General-Public Works-Operations-Maintenance - Vehicle	24.99
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5125	General-Public Works-Operations-Maintenance - Vehicle	37.98
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	33.17
08/31/2021	August Charges	UMBcardsvcs	UMB Card Services	1-00-00-1210	General-Accounts Receivable	21.36
09/01/2021	9843422016	COSpringUtil	Colorado Springs Utilities	1-60-03-5207	General-Pool-Utilities-Utilities - Water	130.72
09/02/2021	94746	chiefpetroleum	Chief Petroleum	1-70-02-5128	General-Public Works-Operations-Supplies - Fuel	1,737.25
09/07/2021	89503282	seangoings0000	Sean Goings	1-40-02-5128	General-Public Safety-Operations-Supplies - Fuel	47.24
09/09/2021	9843422016	COSpringUtil	Colorado Springs Utilities	1-60-03-5207	General-Pool-Utilities-Utilities - Water	33.73
09/10/2021	09102021	brianbundy0000	Brian Bundy	1-10-02-5113	General-Administration-Operations-Services - Professional	600.00
09/14/2021	193	fountaincreekwa	Fountain Creek Watershed	1-20-02-5101	General-Interdepartmental-Operations-Fees - Annual Dues, Licenses, Memberships	38.34
09/16/2021	20606059	Pinnacol	Pinnacol Assurance	1-10-01-5021	General-Administration-Labor-Labor - Workman's Comp	226.33
09/16/2021	20606059	Pinnacol	Pinnacol Assurance	1-40-01-5021	General-Public Safety-Labor-Labor - Workman's Comp	226.33
09/16/2021	20606059	Pinnacol	Pinnacol Assurance	1-70-01-5021	General-Public Works-Labor-Labor - Workman's Comp	226.34
Total For 1-00-00-2000 General-Accounts						<u>15,140.79</u>

Jane Newberry, Mayor

Angie Sprang, Town Manager

TOWN OF GREEN MOUNTAIN FALLS
Regular Board of Trustee Meeting
September 7, 2021 – 7:00 P.M.
MEETING MINUTES

Board Members Present

Mayor Jane Newberry
 Trustee Margaret Peterson
 Trustee Katharine Guthrie
 Trustee Sunde King
 Trustee Chris Quinn

Town Manager

Angie Sprang

Town Clerk

Vacant Position

Administrative Assistant

Vacant Position

Board Members Absent

None

Town Attorney

Not present

Public Works

Not present

Marshal's Dept.

Virgil Hodges

Planning Director

Not present

1. Call to Order/Roll Call/Pledge of Allegiance

Mayor Newberry called the meeting to order at 7:04pm. Pledge recited.

2. Additions, Deletions, or Correction to the Agenda

Mayor Newberry moved to approve the agenda as presented. Seconded by Trustee guthrie. Motion passed unanimously.

3. Consent Agenda

Mayor Newberry moved to approve the consent agenda. Seconded by Trustee Guthrie. Motion passed unanimously.

4. Consideration of Fitness Court Donation

Mayor Newberry moved to approve the fitness court donation and installation. Seconded by Trustee Guthrie. Motion passed unanimously.

5. Manitou Springs School District, Presentation by Elizabeth Donangue

Ms. Donangue presented the information regarding Bond 2021, through which Manitou Springs School District (MSSD) has an opportunity to restore its facilities to honor their history and continue their legacy. Details about this project can be found on their website here:

<https://www.mssd14.org/cms/one.aspx?portalId=57448&pageId=31879177>

6. Comprehensive Plan Progress Overview

This item was reserved for a future meeting.

7. Stimulus Funding Update

This item was reserved for a future meeting.

8. Consideration of Resolution 2021-04, A Resolution to Support a Grant to The State of Colorado, Department of Local Affairs for a Comprehensive Roads Plan

Mayor Newberry moved to approve resolution 2021-04. Seconded by Trustee Guthrie. Motion passed unanimously.

9. Correspondence

10. Persons Present Not on the Agenda: 3 Minutes per Speaker

Resident Esch, Blasi, Olds, and Matthews shared public comment.

11. Adjournment

The meeting adjourned at 8:25 pm.

Angie Sprang, Town Manager

Jane Newberry, Town Mayor

August 31, 2021

Matt Gordon, Town Clerk
Town of Green Mountain Falls
P.O. Box 524
Green Mountain Falls, CO 80819

RE: 2022 Property/Casualty Preliminary Contribution Quotation

Dear Matt:

Enclosed is the preliminary quotation for your 2022 contribution to the CIRSA Property/Casualty Pool.

As you may know, the excess/reinsurance market continues to be unfavorable in Colorado and elsewhere. Your quotation reflects these unfavorable conditions.

On the liability side, municipalities face an increasingly hostile legal and social climate. The cost of your liability coverage reflects this adverse trend, particularly in law enforcement liability coverage. State legislation has significantly increased law enforcement liability exposures, and defending and settling law enforcement claims grows more costly and challenging each year. During the 2021 session, the legislature also expanded liability for sexual misconduct claims by minors, and we expect to see this change reflected in the cost of liability excess/reinsurance coverage as well.

On the property side, the property market continues to raise deductibles and increase the cost of insurance. Conditions around the country (and globally) have a significant impact on the availability and cost of property coverage. For this reason, although our members have been largely spared from wildfires, wind/hail, and flood events this year, we do not expect an easy excess/reinsurance renewal on the property side, either.

The COVID-19 pandemic has resulted in stricter communicable disease exclusions becoming universal in property policies. And, although we have not seen any significant COVID-19-related liability claims among our membership, we can expect that reinsurers will continue to include communicable disease exclusions in liability policies as well.

In summary, whether individually insured or as part of a pool, municipalities and other insurance consumers all continue to face a hard market for property and liability insurance. A significant portion of your 2022 quotation reflects these conditions.

Despite these market conditions, CIRSA remains committed to keeping each member's cost of risk as low as possible. One of the benefits of pooling is that those members with substantial member equity will experience less of an impact from these rate increases than newer members, who have less equity in the pool.

Whether you are a long-time or newer member, now is a good time to look at your chosen property and liability deductibles. Many of our members have greatly expanded their budgets and operating expenditures over the past several years, but have not increased their chosen deductibles accordingly.

We can run a deductible analysis for you and help you identify additional deductible options that are more in line with your financial capacity. If you would like to see additional deductible options, please contact Linda Black, Chief Financial Officer, at (720) 605-5440 or lindab@cirsa.org.

*2022 Property/Casualty Preliminary Contribution Quotation**August 31, 2021**Page 2*

Of course, being a member of a pool offers you significant benefits that are not available elsewhere. CIRSA will continue to offer you the very best in risk management services specifically tailored to your needs. Please see the attached brochure for a summary of those services.

The attached quotation sheet provides a preliminary quotation. Final invoices, e-mailed on January 1, 2022, will be adjusted for any changes made to your 2022 renewal application. Moreover, quoted contributions may also change if CIRSA membership changes significantly for 2022 and/or actual excess insurance premiums are not adequately funded by the budget established within your rate.

The attached quotation sheet provides information on your 2022 contribution, the amount of any Loss Control Credits available to your entity, and optional payment plans. In addition, a general description of the types and monetary limits of the proposed coverages to be provided to 2022 CIRSA Property/Casualty members is attached.

The acceptance form must be completed and returned to CIRSA by **Friday, October 1, 2021**. When completing your form, please make sure to:

- Initial next to your entity's desired deductible option for 2022
- Write the amount of any available Loss Control Credits you wish to use in the appropriate section of the *Loss Control Credits* table on the quotation sheet
- Indicate which payment option you would like for 2022 on the quotation sheet
- Return the signature page signed by an authorized signer

Please note that if you have requested quotations for any of the Optional Coverage Programs including Equipment Breakdown, Excess Crime, Excess Cyber (Data Privacy and Network Security), Community Service Workers' Accident Medical Plan, Sports Accident Medical Plan, Occupational Accidental Death and Dismemberment Plan, Volunteer Accident Medical Plan, No-Fault Water Line Rupture and/or Sewer Back-Up coverage, Property Damage Caused by Member's Operation of Mobile Equipment coverage, or Detainee Medical coverage, they are not included in this mailing. The majority of the carriers that provide coverage for each program are unable to provide quotes until later this year. We anticipate that quotations for these optional coverages will be mailed to members in October.

If you have any questions about your renewal quote, please don't hesitate to contact us. Courtney Fagan, Strategy and Member Engagement Manager, is available to offer any further explanation of your quote that you may require. Courtney can be reached at (720) 728-1304 or courtneyf@cirsa.org. We are also available to give presentations to your governing body upon request.

Thank you for the opportunity to serve you. We look forward to continuing our relationship with you in 2022.

Sincerely,



Tami A. Tanoue
Executive Director

enc.

Current Deductibles:

Liability	Auto Liability	Auto Physical Damage	Property
\$1,000	\$1,000	\$1,000	\$1,000

Description	Amount
Contribution Before Reserve and Loss Experience	\$20,037.22
Reserve Refund Contribution	\$0.00
Impact of Loss Experience	\$2,457.99
Total 2022 Preliminary Quotation before Credits	\$22,495.21

To Renew with Current Deductibles
Initial Here: _____

Loss Control Credits

Description	Amount	Credit Options – You must write in the amount that you wish to use. Amount may be split between available options.		
		Credit PC Contribution	Deposit/Leave in Account	Send Check
2021 Loss Control Audit Credit	(\$260.00)			
Balance Remaining from Prior Years' LC Credits	(\$0.00)			
Total Preliminary Quotation at Current Deductible with all Available Credits	\$22,235.21			

Alternative Deductibles

Liability	Auto Liability	Auto Physical Damage	Property	Revised Quote (Before Credits)	To Accept New Deductible Option – Initial Here (Choose Only one)

*Contact Linda Black, CFO at (720) 605-5440 or lindab@cirs.org if you are interested in other options.

Billing Options (Please indicate which option you choose)

<input type="checkbox"/> Annual Billing on January 1, 2022	<input type="checkbox"/> Quarterly Billing January 1, April 1, July 1, and October 1, 2022
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Preliminary 2022 Contribution Quotation Continued

This preliminary quotation includes all exposures reported on your entity's 2022 Property/Casualty Renewal Application and any Application Amendment Requests received by CIRSA before August 13, 2021.

* Regarding the Liability Deductible shown on page 1, a \$500 deductible quotation is offered to members, if requested, for general liability. However, police professional and public officials errors and omissions deductibles cannot go below \$1,000.

** Regarding the Property Deductible shown on page 1, an additional property deductible will apply separately to each location in a National Flood Insurance Program (NFIP) Zone A if total building and contents values at that location are in excess of \$1,000,000. The deductible will be the maximum limit of coverage which could have been purchased through NFIP, whether it is purchased or not.

Based upon the selections made in your 2022 Property/Casualty Renewal Application, the Town of Green Mountain Falls has elected not to participate in Uninsured/Underinsured Motorist Coverage. **Your signature below constitutes your entity's written rejection of this coverage.**

If this is incorrect, or you wish to change your selection at this time, please contact your Underwriting Representative at (800) 228-7136 or (303) 757-5475.

The undersigned is authorized to accept this preliminary quotation on behalf of the Town of Green Mountain Falls.

We accept this preliminary quotation for January 1, 2022 to January 1, 2023. We understand our final invoice may increase or decrease depending upon the number of CIRSA Property/Casualty members for 2022, actual excess insurance premiums, and any changes made to our 2022 renewal application.

Signature: _____ Date: _____

Title: _____

Signature must be that of the Mayor, Manager, Clerk or equivalent (such as President of a Special District.)

Both pages of this form must be returned by Friday, October 1, 2021. A mailed, faxed or e-mailed copy is acceptable. Please return to:

Monique Ferguson, Underwriting Administrative Assistant
3665 Cherry Creek North Drive
Denver, CO 80209
Fax: (303) 757-8950 or (800) 850-8950
E-Mail: MoniqueF@cirsa.org

PROPOSED 2022 PROPERTY/CASUALTY COVERAGES

The types and monetary limits of the proposed coverages to be provided to CIRSA Property/Casualty members for the coverage period of January 1, 2022 to January 1, 2023 are generally described below. The scope, terms, conditions, and limitations of the coverages are governed by the applicable excess and/or reinsurance policies, the CIRSA Bylaws and Intergovernmental Agreement, and other applicable documents.

I. TYPES OF COVERAGES (subject to the limit on CIRSA's liability as described in Section II below):

- A. Property coverage (including auto physical damage and public relations expense and privacy breach expense)
- B. Liability coverage:
 - 1. General liability
 - 2. Automobile liability
 - 3. Law enforcement liability
 - 4. Public officials errors and omissions liability
 - 5. Cyber (security and privacy breach liability)
- C. Crime coverage (including employee dishonesty and theft of money and securities)

II. CIRSA RETENTIONS, LOSS FUNDS, AGGREGATE LIMITS, AND MEMBER DEDUCTIBLES:

For the coverages described in Section I, CIRSA is liable only for payment of the applicable self-insured retentions and only to a total annual aggregate amount for CIRSA members as a whole of the amount of the applicable CIRSA loss fund for the coverage period. There is no aggregate excess coverage over any loss fund.

Coverages in excess of CIRSA's self-insured retentions are provided only by the applicable excess insurers and/or reinsurers in applicable excess and/or reinsurance policies, and shall be payable only by those excess insurers and/or reinsurers. The limits of coverage provided by the excess insurers and/or reinsurers for the coverage period shall be described in the coverage documents issued to the members. Aggregate and other limits shall apply as provided in said documents.

A. CIRSA PROPOSED SELF-INSURED RETENTIONS FOR THE COVERAGE PERIOD:

- 1. \$1,000,000 per claim/occurrence property*
- 2. \$100,000 per claim/annual aggregate public relations expense and privacy breach expense
- 3. \$1,000,000 per claim/occurrence liability
- 4. \$1,000,000 each and every claim public officials liability
- 5. \$500,000 per claim/annual aggregate cyber (security and privacy breach liability)
- 6. \$150,000 per claim/occurrence crime

*Subject further to CIRSA retention of first \$5,000,000 each and every hail/wind loss and/or occurrence

*Proposed Coverages (continued)***B. CIRSA LOSS FUND AMOUNTS FOR THE COVERAGE PERIOD:**

Loss fund amounts are as adopted or amended from time to time by the CIRSA Board of Directors based on the members in the Property/Casualty Pool for the year and investment earnings on those amounts. Information on the current loss fund amounts is available from CIRSA's Finance Department.

C. PROPOSED EXCESS INSURANCE LIMITS FOR THE COVERAGE PERIOD:

- | | |
|-----------------------------|--|
| 1. Excess property: | to \$500 million each claim/occurrence |
| 2. Excess liability: | to \$10 million each claim/occurrence; \$5 million excess auto liability; \$10 million annual aggregate for public officials errors and omission liability |
| 3. Excess crime (optional): | to \$5 million per claim/occurrence |

D. MEMBER DEDUCTIBLES:

A member-selected deductible shall apply to each of the member's claims/occurrences. Payment of the deductible reduces the amount otherwise payable under the applicable CIRSA retention. Allocated loss adjustment expenses are included in the member deductible.

EXPLANATION OF CREDITS AVAILABLE AND ACCEPTANCE OR WITHDRAW PROCEDURES

LOSS CONTROL AUDIT SCORE CREDIT

CIRSA members who received a Loss Control Audit Score of 80 or higher in 2021, and renew their membership in 2022, are eligible for a Loss Control Audit Score Credit. This credit is offered to all members that take an active role in preventing or reducing their losses by complying with the CIRSA Loss Control Standards.

If you did not receive a credit for 2022 and would like to receive one in future years, please contact your Loss Control Representative.

LOSS CONTROL CREDIT ACCOUNT

The CIRSA Board of Directors has approved your use of any balance in the Loss Control Credit Account, except any Special Credit monies, to pay 2022 contributions. Your entity's balance in this account, if any, is shown on the quote letter.

ACCEPTANCE PROCEDURES

Please complete the enclosed acceptance form indicating your decision for 2022 and return it to the CIRSA office ***on or before Friday, October 1, 2021***. **Failure to return the form in time may result in the imposition of penalties under CIRSA Bylaw Article XIV upon withdrawal.**

WITHDRAWAL PROCEDURES (*if applicable*)

The enclosed Article XIV of the CIRSA Bylaws describes withdrawal procedures from CIRSA. **Written notice of withdrawal must be received by CIRSA *no later than Friday, October 1, 2021*, for a withdrawal without penalty effective January 1, 2022.** No withdrawing member shall be eligible for the above-described credits.

Article XIV should be read in its entirety for any penalties which would otherwise apply. Withdrawing members who subsequently apply to rejoin CIRSA may be subject to such terms and conditions as established by the CIRSA Board of Directors.

WITHDRAWAL NOTICE

MUST BE RECEIVED AT THE CIRSA OFFICE ON OR BEFORE FRIDAY, OCTOBER 1, 2021

Sign and return this form if your entity has decided to **withdraw** from CIRSA effective January 1, 2022. Under CIRSA Bylaws, this form must be received by CIRSA ***no later than Friday, October 1, 2021***, for withdrawal without penalty effective January 1, 2022.

NOTICE OF WITHDRAWAL FROM CIRSA

This is to notify the CIRSA Board of Directors that the Town of Green Mountain Falls is withdrawing from CIRSA for purposes of Property/Casualty coverage effective January 1, 2022. We understand the Town of Green Mountain Falls remains obligated and will be billed for any amounts due CIRSA pursuant to the Bylaws and the policies established by CIRSA.

The undersigned is authorized to provide this notice of withdrawal on behalf of the Town of Green Mountain Falls.

Signature must be that of the Mayor, Manager, Clerk, or equivalent (such as President of a Special District.)

Signature: _____

Title: _____

Date: _____

CIRSA BYLAWS
ARTICLE XIV

Withdrawal from Membership

(1) Any member may withdraw from CIRSA by giving prior notice in writing to the Board of Directors of the prospective effective date of its withdrawal.

(2) If the effective date of a member's withdrawal is a date other than January 1, the withdrawing member shall not be entitled to receive any refund of contributions made for administrative costs for the claim year of withdrawal. The withdrawing member shall be entitled to receive within forty-five (45) days after the effective date of withdrawal, a proportionate return of its contribution to any loss fund.

(3) If the effective date of a member's withdrawal is January 1 but the member's written notice of withdrawal is received by CIRSA more than thirty (30) days after the date on which CIRSA mailed a preliminary quotation of the contribution to be assessed the member for the year beginning on that January 1, the withdrawing member shall be obligated to pay its share of CIRSA's administrative costs for the year beginning on that January 1. However, if the preliminary quotation is mailed by CIRSA prior to September 1, members shall not be obligated for future claim year administrative costs if the member's written notice of withdrawal is received by CIRSA on or before the October 1 preceding the January 1 renewal date.

(4) The members may, by a two-thirds (2/3) vote of the members present at a meeting, adopt or amend a policy establishing additional conditions applicable to members which withdraw.



CIRSA 2022

SERVICES

LEGAL & LOSS CONTROL SERVICES

CIRSA is passionate about protecting municipalities and their affiliated public entities. We work exclusively in Colorado and have over three decades of experience assisting members in handling claims, improving safety, preventing losses, and managing the cost of risk. Our coverages and services are specifically designed for the unique and ever-changing needs of our membership.

Every member works with a personal team of representatives who provide customized guidance and assistance to help you manage exposures in your entity. CIRSA is staffed with knowledgeable, seasoned professionals including: Attorneys, Associates in Risk Management (ARM), Certified Safety Professionals (CSP), Certified Insurance Counselors (CIC), Certified Industrial Hygienists (CIH), Certified Hazardous Materials Manager (CHMM), a Certified Environmental Safety and Health Trainer (CET), Certified Fire Protection Specialist (CFPS), Associates in Claims (AIC), and Chartered Property Casualty Underwriters (CPCU).

LEGAL TRAINING AND ASSISTANCE

Liability & Public Officials Training

CIRSA provides legal training to councils, boards, commissions, and staff upon request on a variety of liability-related topics. These trainings are free to members and can be conducted in person or via virtual meeting. CIRSA also maintains a variety of training webinars and videos on its website. Training topics include: personal liability for elected and appointed officials, conduct of quasi-judicial proceedings, employment issues, Governmental Immunity Act, harassment and bullying prevention, supervisory skills, contract issues, transparency laws, ethics requirements, and many others.

Liability Hotline

The Liability Hotline serves as a resource on almost any liability-related topic. Members have access to CIRSA's General Counsel for free consultation and assistance on liability issues before they become claims, including employment practices, employee leave issues, land use liability, quasi-judicial proceedings, liability risks for municipal programs and services, ethics, civil rights liability, laws concerning marijuana regulation, broadband liability, and drug/alcohol testing policies.

Contract & Policy Review

CIRSA will review member contract and policy documents and provide consultation on risk and liability-related topics, including review of contracts, ordinances, personnel policies, and police manuals.

Publications & Resources

CIRSA publishes a wide variety of materials on legal, liability and risk issues, including its popular "[Ethics, Liability & Best Practices Handbook for Elected Officials](#)," articles on the CIRSA website and blog covering topics on current interest, Liability Alerts and Loss Alerts on emerging legal and safety issues, and other training materials. CIRSA also maintains a library of sample contracts, policies and other documents for members' use.

To [schedule a training](#) or access other Legal Training and Assistance Services, contact CIRSA General Counsel [Sam Light](#).

LOSS CONTROL SERVICES

Membership in CIRSA entitles members to loss control services designed to prevent and minimize individual and pool-wide losses. CIRSA's Loss Control Department is recognized nationally as a leader in innovative and exemplary loss control services.

It has been proven that a commitment to loss control yields significant benefits in the form of lower costs associated with public entity risks.

Our experienced staff is dedicated to assisting our members in implementing their own loss control programs, integrating best practices into operations, and establishing a positive safety culture.

Individualized Training

CIRSA provides over 30 classroom and/or hands-on [courses/workshops](#) that can be brought to your location upon request. CIRSA's full-time training staff work diligently to ensure materials are current and revised every two years at minimum. All courses are free to members and some provide Colorado Certified Water Professionals (CCWP) training units. Topics include: CDOT Flagger Certification, Confined Space Entry, Safe Driving Strategies, Bloodborne Pathogens, First Responder Awareness, and Back Injury & Fall Protection.

Regional Seminars

Several times each year, CIRSA conducts regional seminars around the state on current loss control issues or industry trends. Any member can attend these seminars and there is usually no charge. Seminar types may include, ADA Coordinator, Playground Maintenance Technician (PMT), Succession Planning and many more safety and health related events. Law enforcement-specific events are also held five times per year.

General Consultation & On-site Service

CIRSA's Loss Control staff can arrange a time to help with special projects, develop written programs, assist with safety design reviews, research equipment and risk-related resources, and for short durations, can also function as your on-site safety representative.

Safety Symposiums

These Loss Control conferences are held annually and cover member or industry-relevant topics. Past topics have covered playground maintenance, low voltage electrical safety, and succession planning, and more. The symposiums are free to all CIRSA Members and travel reimbursement is provided.

Safety Video, Reference Library, & Streaming Video Service

Your employees have unlimited access to CIRSA training programs and other educational materials in our [Training Library](#), including over 390 videos and video training books. Separate from our video and reference library, the new streaming video service offers several hundred additional videos. This is a stand-alone system separate from our online training service. These programs are free of charge to members and cover a variety of topics on most public entity exposures.

LOSS CONTROL SERVICES

In-House Video & Publication Production

CIRSA has produced a number of videos and manuals on pertinent and timely topics, 13 of which have won national Public Risk Management Association (PRIMA) awards. Titles include: *Backing & Parking: The Keys to Success*, *Hazard Awareness is Everyone's Responsibility*, *Safety Management in Action*, *Personal Consequences of Unsafe Driving*, *Safe Supervisor: Integrating Operations & Safety*, and *Sanitary Sewer: Operations & Maintenance*. Hard copies of these videos are free to members and can also be viewed on [CIRSA's YouTube Channel](#).

Online Training Center

CIRSA provides over 950 complimentary online safety, liability, supervisory, law enforcement, fire/EMS, corrections, and human resource related courses - 50 of which provide training units for water and wastewater employees. The online training center also provides over 1,000 police-specific videos. Additional topics and new courses are added each year. Your employees can easily access the [Online Training Center](#) from any computer with internet access at any time.

Monthly Training Calendar

CIRSA sends a [monthly training calendar](#) notifying members of all upcoming regional training events, scheduled on-site training courses and certifications, safety symposiums, CIRSA Orientations, webinars, and all other training resources provided.

Webinars

As another means of reducing your costs, our webinar series gives your employees the opportunity to obtain important training without leaving their office. These free presentations cover a wide variety of topics including loss control, employment and public officials' liability, PC & WC applications, finance, and claims handling. All of our webinars are recorded and can be viewed at any time from the [Safety Resources](#) area of our website.

Sample Policies & Procedures

Numerous sample Loss Control and [safety policies and procedures](#) are available to our members to download and customize for your entity. Examples include Job Safety Analyses (JSAs), Police Pursuits, Tasers, Preventing Public Officials Liability, and Fall Injury Prevention.

Property Survey & Playground Inspections

This on-site, comprehensive safety survey identifies loss exposures of significant buildings, processes, and playgrounds. Written reports of survey results are sent to the appropriate public entity contacts.

Ergonomic Evaluations

These evaluations of computer workstations help determine if they are adjusted properly for the employees who are using them. Our Loss Control Representatives will review workstation setup and assess chair, monitor, mouse, desk, and other equipment adjustments. Reports with recommendations to improve ergonomic conditions may be issued.

Water Slide Inspections

State regulations require an annual inspection by a third party of all water slides 18 feet or higher unless the entity has received an exemption from the state. Some outside consultants charge over \$1,000 for these inspections. Our Loss Control Representatives

will inspect your slides for free, issue reports for items that need to be corrected, and provide certificates of inspection that meet state guidelines.

Loss Control Standards & Credit Account Program

CIRSA has established a number of recommended policies and procedures to address common public entity exposures. These recommendations are known as [Loss Control Standards](#). Your Loss Control Representative assists you in implementing the pool's Loss Control Standards and performs onsite reviews. The CIRSA Board of Directors has approved credits to members who conform to these standards. Members can apply these credits toward their CIRSA contribution; deposit them in their Loss Control Credit Account for the purchase of safety related equipment or training; or request a direct disbursement of the funds. Contact your Loss Control Representative for more information.

Accident Investigations & Loss Analyses

CIRSA provides timely, objective, and thorough accident investigations to help members identify root causes of accidents so measures can be implemented to prevent future occurrences. The Loss Control Department has also developed a number of Loss Analysis reports to identify the most frequent and severe causes of losses for the pool and for each member. Accident Investigations and Loss Analysis reports are provided upon request.

Loss/Hazard Alerts

Public entities and their employees may have serious accidents from which other members can learn. CIRSA distributes summary reports on these incidents (with any identifying details removed) to our members and recommends procedures to prevent similar claims. When a serious potential exposure exists without a claim, a Hazard Alert may be issued.

Industrial Hygiene Services

CIRSA's Certified Industrial Hygienist (CIH) assists members in the recognition, evaluation, and control of employee health hazards. Some examples of services provided include:

- Hazard Communication – Program development and employee training in the interpretation of Safety Data Sheets (SDS) and likely hazards associated with chemical use
- Hearing Conservation – Sound level measurements and noise exposure evaluations for personnel exposed to elevated noise levels
- Ergonomics/Body Mechanics – Work station evaluations and employee training
- Asbestos identification and guidance for asbestos operations and maintenance
- Indoor air quality sampling for offices, pools, water/wastewater treatment plants, and other public entity operations
- Measuring carbon monoxide and nitrogen dioxide emissions from motorized equipment
- Special projects to measure toxic exposures and/or substances, as needed

CLAIMS & UNDERWRITING SERVICES

CLAIMS ADMINISTRATION SERVICES

Our in-house claims specialists and legal counsel provide expert claims administration services to help you mitigate your risks. The CIRSA Claims Department is available to our members 24/7. A member of the CIRSA claims staff is on-call at all times and a backup system is in place for timely response to emergency calls. In addition to complete claims administration, the CIRSA Claims Department provides the following services:

Litigation Management Program

CIRSA works closely with our members and a panel of defense attorneys who specialize in the defense of governmental entities. CIRSA takes a “team approach” with our staff and the member to defend claims. This allows the claim to be handled effectively and efficiently.

Claims Recovery

CIRSA's claims staff pursues recovery for damages sustained to member property through subrogation and restitution. This service is provided regardless of claim size or if the loss is within the member's retention. Our annual recovery averages over a million dollars.

Claim Reports

Loss runs of all open claims and litigation reports are distributed on a quarterly basis. Annual loss runs of all open and closed claims are also distributed. We offer other custom reports upon request that can be programmed to be sent to your entity on a monthly basis. These reports can be reviewed by you and your CIRSA Loss Control Representative to help identify loss trends and discuss methods to control such losses.

Electronic Claim Filing & Online Lookup

Members can file Property/Casualty and Workers' Compensation claims electronically through our [website](#). Each claim is filed on the state required forms and can be printed at your workstation for your records. Current and historical claims data can be viewed through our online claims filing system as well. Daily information on claim status is available including up-to-the-minute details about any claim that has been filed.

Member Self-Administration Portal

If your entity has a large deductible and self-handles some claims, our Member Portal gives you a system to manage those claims. This is essentially a stand-alone Origami Risk claims system that CIRSA provides at no cost. The Portal lets you create/store documents and claim notes, run reports, and track financial data, on a database that integrates your own data seamlessly with the claims you report to CIRSA. This cutting edge technology is available to large-deductible members free of charge.

File/Monitor Equipment Breakdown Claim

If your entity has purchased optional Equipment Breakdown coverage through CIRSA, we will file a claim with Chubb on your behalf and monitor the claim to make sure it progresses appropriately. CIRSA claims staff acts as a watchful eye for members utilizing their expertise to ensure claims are properly handled.

Property Inspections

A property inspection can be conducted by CIRSA after a member sustains a property loss without having to file a claim. These types

of inspections occur primarily following a hail related loss. Please contact [Craig Stevens](#) to schedule an inspection.

Annual Claim Reviews

By request, CIRSA Claims staff can conduct an annual or bi-annual review of your entity's claims. This can be done in person or via video conference. Please contact your Claims Representative to schedule a review.

Roofing Rebate on Hail Resistant Shingles

CIRSA offers a rebate program through Malarkey Roofing to members that replace damaged roofs with hail resistant shingles following a claim. The rebate is provided directly to the member. For more information on this program, please contact [Craig Stevens](#).

New Member Contact Orientation

If your entity hires new staff or assigns staff with the role of a CIRSA Claims Contact, CIRSA claims staff are willing to come to your location or schedule a virtual meeting to review claims filing processes and CIRSA procedures.

Nurse Case Manager

When appropriate and in agreement with the injured worker, CIRSA will assign a nurse case manager to workers' compensation claims. The nurse case manager will help the injured worker obtain the proper medical care, and serve as a liaison between all parties involved in a workers' compensation claim (injured worker, doctor, employer, insurance carrier).

UNDERWRITING SERVICES

Access to Additional Coverage Programs

In addition to our core Property/Casualty and Workers' Compensation coverages, CIRSA provides access to several [optional coverage programs](#) without having to pay an agent fee. Additional coverage programs include Excess Cyber, Equipment Breakdown, Excess Crime, Volunteer Accident Medical Plan, Community Service Workers' Accident Medical Plan, Occupational Accidental Death & Dismemberment, Sports Accident Medical Plan, Special Events, Detainee Medical Coverage, No Fault Water Line Rupture and/or Sewer Back Up, and Property Damage to Others Caused by Member's Use of Mobile Equipment. We can also assist members in placing a wide variety of specialized policies including fiduciary, fidelity, public officials bonds, pollution liability, and airport liability.

Coverage Comparison

Since not all coverage is the same, CIRSA offers a complimentary comprehensive comparison between all coverages offered by CIRSA and those provided by other carriers. The comparison addresses not only the limits provided, but all critical coverage issues. The comparison is intended to make sure your entity is appropriately protected in the event of a loss as well as provide a useful tool for decision making.

Property Appraisals

CIRSA provides property appraisals through a third-party contractor. This service helps CIRSA and our members establish correct values for your buildings and the majority of your miscellaneous property or property in the open to make sure you are adequately covered should a loss occur. We aim to appraise all applicable structures on your site every five (5) years. Property values, however, are updated annually to account for inflationary factors. New members will have all buildings appraised within the first year of membership.

MEMBER BENEFITS

ADDITIONAL MEMBER BENEFITS AND SERVICES

Member Equity Account

CIRSA is different from commercial insurers; we are owned and governed by our members. Contributions paid to CIRSA are deposited into your individual Member Equity Account. The funds remaining after deducting your proportionate share of pool claims and expenses are maintained on your behalf; these funds earn interest and are reported to you annually with a copy of the pool's audited financial statements. Member Equity Account balances are considered when determining contributions, and higher balances result in lower contributions.

Deductible Analyses

At the member's request, CIRSA can provide an analysis of varying deductible levels for you to use in your analysis of the appropriate deductible choice for your entity. Included in the analysis is a review of past loss experience, which can help you determine the optimal retention in order to minimize your total cost of risk.

Payment Options

CIRSA offers a no-fee, quarterly payment plan option for the payment of your annual contributions. We also offer online payment options.

Cost Allocation Assistance

Cost allocation is the process of identifying and assigning costs of risk to your departments. This risk management best practice will improve the communication of the cost of risk to your entity and generate incentives for safety. CIRSA will assist you in implementing a cost allocation system and provide regular reports to maintain the system.

Scholarship Program

To assist members in furthering their risk management education, CIRSA will provide \$12,000 in scholarship funding for 2022. Member employees may [apply](#) for awards in the following amounts:

- \$2,250 to attend a national professional development conference related to safety, continuing education, or risk management
- \$1,500 to attend local events such as the CMCA Institute or similar
- \$600 to attend in-state conferences such as CCCMA, COPRIMA, or CGFOA

Timothy A. Greer Endowment Fund

The objective of the [Timothy A. Greer Endowment Fund](#) is to provide financial support to CIRSA member entities in promoting excellence in risk management. The CIRSA Board of Directors has allocated \$12,000 to the Fund for 2022. Proposals outlining a project, process, improvement, or system that satisfies a safety or risk management-related goal must be submitted for consideration.

KnowBe4

KnowBe4 is the world's largest integrated platform for cyber security awareness training. KnowBe4 offers simulated phishing attacks which can be used to test and educate employees on how to avoid ransomware, spam, phishing, and malware. The platform also teaches employees how to identify suspicious emails and provides access to a huge library of training resources and key security topics. CIRSA is working with KnowBe4 to provide members free access to the KnowBe4 platform. For more information, please contact [David Beacham](#), IT Manager.

Travel Reimbursement

The CIRSA community places a high value on member participation. As another way to lower your costs of risk management, CIRSA offers reimbursement for expenses incurred while attending a New Member Orientation, Committee, Task Force, or General Membership Meeting. Lodging, meals, and mileage are eligible for reimbursement under our [policy](#).

The CIRSA Blog

Our [blog](#) focuses on risk management-related topics, laws that affect public entities, and potential liability issues and offers proactive risk prevention strategies. The newsletter also features current loss control, claims, and coverage topics and pertinent information for public entity staff and elected officials.

YouTube Channel

CIRSA's YouTube Channel – "[CIRSA Safety](#)" features over 70 concise and easily accessible safety videos you can share with staff during training exercises. Topics include: Accident Investigations, Employment Liability Exposure, Firefighter Safety, and Slips, Trips and Falls.

All of these services are, we believe, unmatched by any commercial insurer.

Any head-to-head comparison of coverage quotes should take into account the value of the additional services that accompany CIRSA's coverages.

**Parks, Recreation, and Trails Advisory Committee
Agenda Memorandum**

DATE: 9.15.2021	AGENDA NO	SUBJECT: Approval of PRT member.
Presented by: PRT - Jesse Stroope Attachments: Volunteer Application - Nancy Dixon		

Background

On 9.8.2021 at their regularly scheduled meeting, the Parks, Recreation and Trails Committee unanimously elected Nancy Dixon to be a member.

Discussion**Recommended Motion**

PRT is recommending that the BOT approve the election of Nancy Dixon as a member to the PRT.

Alternative Options



The Town of Green Mountain Falls

P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819

(719) 684-9414 www.gmfco.us

Committee Volunteer Application

Volunteer Position applying for: PRT Committee Member

Name: Nancy Dixon

Street Address: 11045 Iona Ave

City, State: GMF, CO

Zip Code: 80819

Phone Number: 303.918.9366

Email address: nancy.dixon1963@gmail.com

How many years have you been a resident of Green Mountain Falls: 1.5 yrs

Current Employer/Occupation: Retired

Work Experiences that may apply: Learned many skills as an EC Educator that apply to adults also.

Other Volunteer Experiences that may apply: PC - secretary, Volunteer Coordinator for Trails Ambassadors, FOUPT - secretary

Any Special Qualifications that may apply to this volunteer position: Active as a trails advocate in GMF, Crew Leader certification 5/2021

Other Current Volunteer Positions you hold: See above

Reasons for choosing this Volunteer Opportunity: GMF trails advocate

*Please attach any other relevant information/documentation that would enhance your application.

By signing below, you acknowledge that the Town of Green Mountain Falls IS NOT liable for any harm and/or injury sustained while volunteering at any Town facilities or activities.

You also agree that all information you have provided in this application is true to the best of your knowledge.

Volunteer Signature: Nancy Dixon

Date: 9.15.2021

Are you 18 years or older? YES ☒ NO ☐

If NO, Guardian Signature: _____

BOARD OF TRUSTEES AGENDA MEMO

DATE: 09.07.2021	AGENDA NO 6	SUBJECT: Comprehensive Plan Progress Overview
Prepared by: Angie Sprang, Town Manager		

Background:

The Board of Trustees requested a Comprehensive Plan status report, and it is attached for informational purposes. These documents will be updated annually prior to our priority-based budgeting, which begins each Fall.

Discussion:

They are posted and accessible 24/7 in both Xcel and PDF formats on the Town website here:

<https://greenmountainfalls.colorado.gov/departmentsplanning-land-use/comprehensive-plan>

These documents are intended to provide a progress update and to serve as a resource in advisory board creation of annual priorities and work plans.

Recommended Action:

None.

Recommended Motion:

None.

Respectfully Submitted,
Angie Sprang

What is a comprehensive plan document? Colorado law establishes that a comprehensive plan is an **advisory document** to guide zoning and other land use decisions. The plan is implemented through the Town's adopted land development regulations (CRS 31-23-206). Colorado Revised Statutes state, "it is the duty and responsibility of the planning commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries (three mile area), subject to the approval of the governmental body having jurisdiction thereof (C.R.S. 31-23-206)." In Green Mountain Falls, the governmental body having jurisdiction is the Board of Trustees, our Elected Officials. The statutes further state, "the plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs best promote health, safety, order, convenience, prosperity and general welfare (C.R.S. 31-23-207)." Our comprehensive plan in Green Mountain Falls is a 10 year plan.

The following Strategy/Actions are taken from our Green Mountain Falls 2019 Comprehensive Plan document (pp. 72-76), and provides an update on status of projects as of September 1st, 2021. This document is updated annually in the Fall.

	Strategy/Action	Type	Community Priority	Responsibility	Notes
1.1	Develop a permanent ADA activity area for children and youth such as an art installation for hide and seek or a skate park.	Capital Project	Medium	Parks, Recreation, & Trails Advisory Board	Park Fitness Facility Proposal Potential CDBG Grant Phase 2/3 Potential GOCO Grant Project
1.2	Establish a facade improvement and Downtown revitalization program	Program	Med/High	GMF	
1.3	Create and maintain a list of funding sources and grant application opportunities for recreational and cultural enhancements, detailing deadlines, requirements, and available funding.	Program	High	GMF	This document is on file at Town Hall
1.4	Connect the American Discovery Trail through Downtown and identify other location for future connections.	Capital Project	Medium	Parks, Recreation, & Trails Advisory Board	
1.5	Distribute tourism information and event posters and brochures at the Marshal's office and land office.	Program	Med/High	GMF	Land Office provides historical and tourism information.
1.6	Establish a recycling program with sustainability outreach, education and materials collection	Program	Medium	GMF	Goal: Single Hauler Trash Study
	Identify strategic locations within and adjacent to GMF for temporary supplemental water storage during fire season to support existing or non-hydranted areas.	Capital Project	Med/High	Fire Mitigation Advisory Board	
2.1	Develop wildfire public education brochures that build off existing documents (e.g. "Living with Wildfire" booklet)	Program	Med/High	Fire Mitigation Advisory Board	FMAC is working on this with Carolyn Bowers including a marketing plan and website addition
2.2	Work with land management agencies for the acquisition, operation, and maintenance of a green-waste disposal site within reasonable proximity to Green Mountain Falls	Capital Project and Program	Med/High	GMF	Goal: Single Hauler Trash Study
2.3	Build on existing documents to create fire safety and fire awareness poster for public places.	Program	Med/High	Fire Mitigation Advisory Board	FMAC is working on this with Carolyn Bowers including a marketing plan and website addition

Strategy/Action		Type	Community Priority	Responsibility	Notes
2.4	Conduct hazard assessments for homeowners; use Firewise or similar door tags. 2.12	Program	Med/High	Fire Mitigation Advisory Board	Iona/Scott Fire Mitigation Project is a part of this. CUSP is planning on doing private property mitigation work in the region as well
2.5	Install and maintain roadside fire danger warning signs and other informational and directional road signs along major roads.	Capital Project	Med/High	Fire Mitigation Advisory Board in partnership with Green Mountain Falls/Chipita Park Fire Department, & the El Paso County Office of Emergency Management	
2.6	Work with El Paso County Emergency Management and Colorado State Patrol to develop a notification and evacuation plan for the community.	Program	Med/High	Fire Mitigation Advisory Board in partnership with Green Mountain Falls/Chipita Park Fire Department, & the El Paso County Office of Emergency Management	FMAC had their draft approved with contingencies through the BOT, they are drafting it again now with input from Fire Dept. School District, and other partners, as well as seeking MOU's for use of property during an evac, also submitted siren proposal for 2022
2.7	Work with utility and transportation agencies on vegetative management treatments within and adjacent to utility corridors where opportunities exist on private lands.	Program	Med/High	Parks, Recreation, & Trails Advisory Board	Public workers do not work on private lands. The Parks, Recreation, & Trails Advisory Board may create a public education and outreach program around this concern/issue
2.8	Install break-away gates at the end of Hondo and Belvedere that can be used for evacuation in the event of an emergency. Investigate bridge stability between gates.	Capital Project	Med/High	Fire Mitigation Advisory Board in partnership with Green Mountain Falls/Chipita Park Fire Department, & the El Paso County Office of Emergency Management	
2.9	Require that information on preferred evacuation routes be provided in all short-term rental units.	Regulatory Reform	High	Fire Mitigation Advisory Board in partnership with Green Mountain Falls/Chipita Park Fire Department, & the El Paso County Office of Emergency Management	
2.10	Install sediment traps to improve water quality in the Lake	Capital Project	High	GMF	PPRTA funded Stilling Basins Project, In Progress
2.11	Use FEMA Buy-Out program to establish greenway entrance in the floodplain.	Program	Medium	GMF	
3.1	Install electrical outlets at the Lake to facilitate concerts and community events	Capital Project	Low	GMF/PRT	CDBG Phase 2 Grant Opportunity, Grant Cycle's open each January
3.2	Market the old fire station to developers and business owners to attract part time medical uses, outdoor supply shop, or convenience/grocery uses	Program	Medium	Green Mountain Falls/Chipita Park Fire Department	Completed by the Green Mountain Falls/Chipita Park Fire Department
3.3	Prioritize and implement sidewalk and patio improvements in the commercial area.	Study	Medium	GMF	CDBG Phase 2 Grant Opportunity, Grant Cycle's open each January
3.4	Develop a parking and trail finder smartphone application	Capital Project	Med/Low	GMF	Completed Managed Parking Program
3.5	Update wayfinding signs to direct residents and visitors to community destinations.	Capital Project	Med/Low	Wayfinding Signage Citizen Task Force	Wayfinding Signage Planning In Progress - funded by the Kirkpatrick Family Foundation

Strategy/Action		Type	Community Priority	Responsibility	Notes
3.6	Update the Town's web presence, social media campaign and branding to promote the Town and notable events.	Program	Medium	GMF	New Website Completed New Facebook Page Created Communication is an Ongoing Evolving Project
3.7	Initiate a utilization and efficiency study of structures in the Downtown area and propose greater uses for underutilized structures.	Study	Med/Low	Pikes Peak Area Chamber of Commerce	
3.8	Conduct a commercial/retail needs assessment and targeted industry analysis for the Ute Pass region with neighboring communities.	Study	Med/Low	Pikes Peak Area Chamber of Commerce	
3.9	Construct gateway features such as landscaping, welcome signs, or lighting.	Study	Low	GMF/PRT	Wayfinding Signage Planning In Progress - funded by the Kirkpatrick Family Foundation
3.10	Construct gateway features such as landscaping, welcome signs, or lighting.	Capital Project	Medium	GMF/PRT	
4.1	Incentivize Downtown densification to promote more Downtown business	Program	Med/Low	Pikes Peak Area Chamber of Commerce	
4.2	Update the Land Use Code to allow higher Downtown density, higher lot coverage, and apartments above commercial spaces.	Regulatory Reform	Med/Low	Planning Commission	Land Use Code Revision/Rewrite Project In Progress - Anticipated Adoption of new Code is October 2021 - funded by DOLA and the Kirkpatrick Family Foundation
4.3	Identify appropriate location for temporary and spillover parking from peak hiking days and community events.	Study	High	GMF	Completed Managed Parking Program
4.4	Consider the use of conservation easements on key undeveloped properties surrounding the Town	Study	Medium	Planning Commission	
5.1	Install a wide sidewalk or multiuse path to connect Town Hall to Downtown	Capital Project	Med/Low	GMF/PRT	CDBG Phase 2 Grant Opportunity, Grant Cycle's open each January
5.2	Prioritize and complete missing sidewalk connections throughout downtown corridor	Capital Project	Medium	GMF/PRT	CDBG Phase 2 Grant Opportunity, Grant Cycle's open each January
5.3	Study the feasibility of providing free access to Wi-Fi around Downtown and the Lake.	Study	Med/High	GMF	Park Fitness Facility Proposal Managed Parking Program
5.4	Apply for grant funding to supplement Town infrastructure projects.	Program	Med/High	GMF	Multiple Grant Applications Have been Submitted
5.5	Identify the most feasible and appropriate locations for additional bicycle infrastructure in Town	Study	Med/High	Parks, Recreation, & Trails Advisory Board	There are a number of Multi-modal Transportation Grant Opportunities & Potential GOCO Grant Opportunities
5.6	Study feasibility of small Downtown sewer system to support businesses and hotels	Study	Med/High	GMF	Future Project
5.7	Investigate methods of improving cellular service	Study	High	Community and Regional Partnerships - Fire Mitigation Advisory Board, Pikes Peak Area Chamber of Commerce, El Paso County Office of Emergency Management, Green Mountain Falls/Chipita Park Fire Department, El Paso County Telecommunications	

B.1 2020- 2029 Capital Improvements Program

2020	Project	Estimated Cost (\$1,000)	Possible Funding Sources	Status Update
	Public Restroom Upgrade	\$19	GF	Potential Funding through Stimulus
	Repair Maple Street Bridge	\$35	Funded DOLA/GF GF	COMPLETED - DOLA/GMF Funded - Flood Recovery Project 2020
	Lake Improve Water Quality (clear up muddy water)	--	GF GF GF	Work Funded to be completed with Lake Wall & Drain Repair
	Lake Divert SW from Hotel Street to Fountain Creek	\$13	Funded by Fishing is Fun/GF GF	PPRTA Ballot November 2022
	Lake Divert SW from Ute Pass Avenue to Creek	\$8	GF GF GF	PPRTA Ballot November 2022
	Lake Divert SW from Foster Avenue to Fountain Creek	\$5	Funded by CDBG GF match DOLA/GF	PPRTA Ballot November 2022
	Lake Sediment Dredging (after SW diversions)	\$23	GF	PPRTA Ballot November 2022
	Lake Inlet Valves Automated Controls	\$12	Funded-PPRTA “A” List Funded by private donation TC	COMPLETED - Funded by Colorado Parks & Wildlife Fishing Is Fun Grant
	Town Hall Monumental Sign	\$8	PD (For pool & Sallie Bush) GF	Collaborating with Fire Department on Combined Sign In Progress
	Town Hall Increase Parking and Pave	\$9		COMPLETED - GMF General Fund
	Lake ADA Fishing Pier	\$10		El Paso County Community Development Block Grant - Application Processing In Progress
	El Paso Trail Road Drainage Improvements	\$41		PPRTA Ballot November 2022
	Iona Avenue Drainage/Road Repairs	\$32		PPRTA Ballot November 2022
	Stilling Basins (roadway drainage improvements)	\$66		Work Funded by PPRTA - Project in Progress
	Replace Altitude Sign at Hotel Street	\$3		
	Construct Trail Red Devil Mountain	\$7		COMPLETED - Red Devil Mountain Annexation 2020
	Increase Parking Capacity Along Pool Park Fence	\$5		Work Scheduled In Progress
	Replace Steel Culverts Town-wide (Phase 1)	\$10		Need a Comprehensive Roads Plan - Grant Application Submitted to DOLA Sept 3, 2021
2021	Project	Estimated Cost (\$1,000)	Possible Funding Sources	Status Update
	Flood Control North end of Oak Street	\$425	FCWFCD Project #24	FCWFCD funding is 50/50 match
	Flood Control Armor Creek at GMF Road Bridge	\$100	FCWFCD Project #23	FCWFCD funding is 50/50 match
	Flood Control Bank Stabilization in Gazebo Park	\$150	FCWFCD	FCWFCD funding is 50/50 match
	Flood Control Replace El Paso Avenue East Crossing	\$60	FCWFCD Project #24	FCWFCD funding is 50/50 match
	Lake Reconfigure Outlet and Overflow	\$50	GOCO	El Paso County Community Development Block Grant - Application Processing In Progress
	Lake Replace Walls at East and South ends	\$40		El Paso County Community Development Block Grant - Application Processing In Progress
	Lake Armor West Shore New Path Installation	\$5	TC Volunteers	El Paso County Community Development Block Grant - Application Processing In Progress
	Gazebo Park Ground Cover West and South Banks	\$10		
	Gazebo Park Island Landscaping	\$10		
	Pool Park Irrigation System	\$20	GOCO	Backflow Preventor Installation In Progress
	Pool Park Restrooms	\$60	COGO/PD	
	Community Events Information Board	\$9	Chamber and Donations	Wayfinding Signage Project In Progress - funded by Kirkpatrick Foundation Grant
	Replace Bridge Oak Street	\$30		PPRTA Ballot Novebmer 2022
	Plant Trees Arbor Day	\$5	PD	
	Replace Steel Culverts Town-wide (Phase 2)	\$10		Need a Comprehensive Roads Plan - Grant Application Submitted to DOLA Sept 3, 2021

Renovate Old Marshal’s Office	\$30	GF/PD	Potential History Colorado Grant Funding - Need a Historical Preservation Board to Champion
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2022	Project	Estimated Cost (\$1,000)	Possible Funding Sources	Status Update
	Flood Control Detention Pond on Crystal Creek	\$350	FCWFCD Project #25 Flood	FCWFCD funding is 50/50 match
	Flood Control Replace Bridge at Hotel Street	\$506	FCWFCD Project #26 Flood	FCWFCD funding is 50/50 match
	Flood Control Bank Stabilization Behind Motel	\$100	FCWFCD Project #27 Flood	FCWFCD funding is 50/50 match
	Upgrade Park Playground	\$15	GOCO Grant/PD	Next Step Parks, Rec, & Trails Advisory Board Community Outreach - Prep for Grant Application Submittal
	Streetscaping Ute Pass Avenue with Traffic Calming	\$250	SAFET	
	Historic Interpretive Panels	\$25	UPHS/PD	
	Plant Trees on Arbor Day	\$5	PD	
	Construct Trail at Livengood Gulch	\$8	TC	Parks, Recreation, & Trails Advisory Board
	Construct Spur Trail to Empire Power Plant site	\$5	TC	Parks, Recreation, & Trails Advisory Board

2023	Project	Estimated Cost (\$1,000)	Possible Funding Sources	Status Update
	Renovate Swim Pool	\$80	GOCO	Next Step Parks, Rec, & Trails Advisory Board Community Outreach - Prep for Grant Application Submittal PPRTA Ballot November 2022
	Ute Pass Avenue Overlay Construct Trail at Mt. Rebecca	\$300	PPRTA-Priority “B” List FOTP/TC/MHYC	
		\$15		

2024	Project	Estimated Cost (\$1,000)	Possible Funding Sources	Status Update
	Bridge Rehabilitation/Replacement (several) Replace Bridge Ute Pass Avenue at Crystal Creek	\$123 \$300	PPRTA-Priority “B” List PPRTA/CDOT	PPRTA Ballot November 2022

2025	Project	Estimated Cost (\$1,000)	Possible Funding Sources	Status Update
	Gazebo Park-Island Bridge Replacement	\$8	GF	

2026	Project	Estimated cost (\$1,000)	Possible Funding Sources	Status Update
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Construct Trail Kirkpatrick to Mt. Esther	\$12	TC	Parks, Recreation, & Trails Advisory Board
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2027	Project	Estimated cost (\$1,000)	Possible Funding Sources	Status Update
	Construct Trail- Crystal Trail to Crystal Reservoir	\$10	TC/FOTP	Parks, Recreation, & Trails Advisory Board

2028	Project	Estimated cost (\$1,000)	Possible Funding Sources	Status Update
	Restore Crystal Falls at Hydro Plant (flume)	\$30	UPHS/PD	Parks, Recreation, & Trails Advisory Board

2029	Project	Estimated cost (\$1,000)	Possible Funding Sources	Status Update
	Gazebo Park-Pavilion/ Stage	\$70	GOCO/PD	Parks, Recreation, & Trails Advisory Board - Potential GOCO/CDBG Grant Opportunities

* KEY TO FUNDING SOURCES

CSU Colorado Springs Utilities

CDBG HUD Community Development Block Grants

DOW State Dept of Wildlife

DOLA State Dept of Local Affairs

FIF Fishing is Fun (DOW)


GF GMF General Fund

TF GMF Trails Funds

GOCO Great Outdoors Colorado Trust Fund

HOV Housing and Urban Development

- HGMFF** Historic GMF Foundation
- PD** Private Donations
- PPCF** Pikes Peak Community Foundation
- PPRTA** Pikes Peak Rural Transportation Authority
- FCWFCD** Fountain Creek Watershed Flood Control District
- ST** State Trails Fund
- SAFET** Transportation Enhancement Funds
- UPHS** Ute Pass Historical Society



2021 & 2022 Stimulus Funding Considerations

ANGIE SPRANG, TOWN MANAGER

09.21.2021

Objectives

Stimulus Funding Overview

- American Rescue Plan Act (ARPA) – requirements and restrictions
 - \$90k Received Late June 2021
 - \$90k to State May 2022
- CDOT Transportation Stimulus Funding (PPRTA/TAC)
 - \$92k Notice to Proceed Received 09.10.2021 – funds receipt date TBD

Options for Utilizing Stimulus Funding

Next Steps

American Rescue Plan Act (ARPA) Spending Considerations

Money was/will be disbursed to the State – May 2021 and May 2022

State disbursing to Local Governments

GMF is slated to receive \$150k total

- \$90k in 2021 – Received Late June 2021
- \$90k in 2022

APRA Use of Funds

The Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. Recipients may use these funds to:

- **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
- **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet

Within these overall categories, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities.

American Rescue Plan Act (ARPA)

Green Mountain Falls will receive \$181,474.26 total disbursed in 2 payments – Spend by 2024

- \$90,736.26 in late June 2021
 - Recommended Uses for June 2021 Stimulus Funds
 - \$70k approx. each Pit Toilet x1
 - \$20,736.26k for Lake Park restroom upgrade + some \$\$ from CDOT reallocation of funds
- Steps
 - Staff posts a BOT approved Request for Proposal for Restroom Build & Improvements
 - RFP review and award
 - Construction
 - Staff reporting to State/Fed upon project closeout

American Rescue Plan Act (ARPA)

- \$90,736.26 in May/June 2022 – Spend by 2024
- Recommended Uses for May 2022 Stimulus Funds
- Cannot be used on Fire Mitigation
 - Comp Plan Considerations
 - Broadband
 - Stormwater Infrastructure
 - Restroom Facilities

CDOT Transportation Stimulus Funding & Reallocation of Funds

\$92,491 reimbursable from CDOT for Public Works Operations for 2021 & 2022 expenses

- Funding must be spent prior to December 31, 2022



The Town can re-allocate that \$92,491 to other priorities...

- Lake Sediment Removal \$11k (Approved by BOT on 06.01.2021)
- Fire Mitigation Committee Request for \$500 – Iona Mitigation Assessment (Approved by BOT 06.01.2021)
- Parks Backflow Preventors \$3,800 each need 2 more (1 approved 06.01.2021 – installed \$5,200)
- DOLA Comprehensive Roads Plan Grant Match \$52,125 (Application Due & Submitted 09.03.2021, BOT Resolution 2021-04 in Support of Grant App & Match 09.07.2021)
- \$1400 x 8 = \$8400 for Bear Proof Trash Cans at Trailheads (6), Hiker Parking (1), Tennis Court Park (1)
- \$15,000 to allocate – Fire Mitigation grant match for CUSP

Next Steps

Post a Request for Proposal for Restroom Upgrades at Lake Park and Installation at Tennis Court/Pool Park

Include Final Numbers and Considerations Discussed this Evening in the Next Iteration of our 2022 Budget Draft

**COLORADO****Department of Transportation**

Region 2

Local Agency Unit
5615 Wills Blvd.
Pueblo, CO 81008-2349

NOTICE TO PROCEED

Purchase Order: 411029135

Date: September 10, 2021

PROJECT INFORMATION:

CODE: STM M575-001

NUMBER: 24552

SAP PO #: 411029135

DESCR: Green Mountain Falls Maintenance

Angie Sprang
Town Manager
Town of Green Mountain Falls
10615 Green Mountain Falls Road
Green Mountain Falls, CO 80819

Dear Ms. Sprang,

The **purchase order to authorize the miscellaneous phase funding** has been executed for the Green Mountain Falls Maintenance, project 24552, PO 411029135; therefore, please consider this letter your Notice to Proceed. This authorization is effective **September 10, 2021**.

Important, please note: Work performed prior to the effective date or after the expiration date of the contract or FHWA end date, whichever comes first, may not be charged to CDOT and cannot be paid. The FHWA end date for the miscellaneous phase is 12/31/2022. No phase costs will be reimbursed for work performed after this date.

In addition, any change in the character or complexity of the work must be discussed with CDOT Project Manager immediately.

If you have any questions, please call me at 719-248-0378 or email me at matthew.pettit@state.co.us

Sincerely,

Matt Pettit
CDOT Local Agency Coordinator



COLORADO
Department of Local Affairs
 Division of Local Government

MEMORANDUM

To: Rick M. Garcia, Executive Director, Department of Local Affairs

CC: Dave Bowman, Deputy Director, DLG
 Tamra Norton, Director of Financial Assistance, DLG

From: Chantal Unfug, Director, Division of Local Government

Subject: American Rescue Plan Non-entitlement Unit (NEU) Allocations

Date: June 7, 2021

TITLE IX, Section 9901 of the American Rescue Plan provides the eligible purposes for which Coronavirus State and Local Fiscal Recovery Funds may be used. Local governments with populations under 50,000 (referred to in the Plan as Non-Entitlement Units or NEUs) will receive an allocation, as determined by the U.S. Treasury based on population, that will be distributed by the state. The Department of Local Affairs has been designated by the Governor's Office as the state agency responsible for distributing American Rescue Plan funds to NEUs in Colorado.

In order to receive their allocated funds, each NEU must agree and adhere to the Award Terms and Conditions and Assurances of Compliance found within DOLA's American Rescue Plan certification document as directed in U.S. Treasury guidance. Funds allocated to NEUs that decline their allocation or are unable to certify will be redistributed across the eligible NEUs.

Listed below are the individual allocations, based on the proportion of the population in each NEU as a share of the total population of all NEUs in the State. By your approval of this memorandum (signature on final page of memo), funds will be distributed as follows*:

Name	Total Allocation	Tranche 1	Tranche 2
Aguilar	\$120,647.88	\$60,323.94	\$60,323.94
Akron	\$433,075.63	\$216,537.81	\$216,537.82
Alamosa	\$2,410,695.50	\$1,205,347.75	\$1,205,347.75
Alma	\$78,672.47	\$39,336.24	\$39,336.23
Antonito	\$187,758.27	\$93,879.13	\$93,879.14
Arriba	\$52,029.40	\$26,014.70	\$26,014.70
Aspen	\$1,860,239.54	\$930,119.77	\$930,119.77
Ault	\$470,275.39	\$235,137.70	\$235,137.69
Avon	\$1,636,538.25	\$818,269.13	\$818,269.12
Basalt	\$1,044,860.93	\$522,430.47	\$522,430.46



COLORADO
Department of Local Affairs
 Division of Local Government

Bayfield	\$675,879.49	\$337,939.75	\$337,939.74
Bennett	\$703,276.61	\$351,638.31	\$351,638.30
Berthoud	\$2,285,774.67	\$1,142,887.34	\$1,142,887.33
Bethune	\$59,067.19	\$29,533.60	\$29,533.59
Black Hawk	\$32,172.77	\$16,086.38	\$16,086.39
Blanca	\$102,048.00	\$51,024.00	\$51,024.00
Blue River	\$231,493.12	\$115,746.56	\$115,746.56
Boone	\$92,245.36	\$46,122.68	\$46,122.68
Bow Mar	\$236,771.47	\$118,385.73	\$118,385.74
Branson	\$18,097.18	\$9,048.59	\$9,048.59
Breckenridge	\$1,242,924.54	\$621,462.27	\$621,462.27
Brighton	\$10,444,587.72	\$5,222,293.81	\$5,222,293.91
Brookside	\$65,853.64	\$32,926.82	\$32,926.82
Brush	\$1,362,315.67	\$681,157.84	\$681,157.83
Buena Vista	\$720,368.40	\$360,184.20	\$360,184.20
Burlington	\$789,238.23	\$394,619.12	\$394,619.11
Calhan	\$209,625.70	\$104,812.85	\$104,812.85
Campo	\$25,637.68	\$12,818.84	\$12,818.84
Cañon City	\$4,203,824.65	\$2,101,912.33	\$2,101,912.32
Carbondale	\$1,733,810.61	\$866,905.30	\$866,905.31
Castle Pines	\$2,705,277.41	\$1,352,638.71	\$1,352,638.70
Cedaredge	\$576,847.69	\$288,423.84	\$288,423.85
Center	\$569,055.85	\$284,527.92	\$284,527.93
Central City	\$193,539.31	\$96,769.66	\$96,769.65
Cheraw	\$62,586.09	\$31,293.04	\$31,293.05
Cherry Hills Village	\$1,670,721.82	\$835,360.91	\$835,360.91
Cheyenne Wells	\$208,117.60	\$104,058.80	\$104,058.80
Creede	\$78,672.47	\$39,336.24	\$39,336.23
Coal Creek	\$87,972.41	\$43,986.21	\$43,986.20
Cokedale	\$30,161.97	\$15,080.99	\$15,080.98
Collbran	\$175,442.13	\$87,721.06	\$87,721.07



COLORADO
Department of Local Affairs
 Division of Local Government

Columbine Valley	\$376,773.28	\$188,386.64	\$188,386.64
Cortez	\$2,195,791.46	\$1,097,895.73	\$1,097,895.73
Craig	\$2,267,677.49	\$1,133,838.74	\$1,133,838.75
Crawford	\$108,834.44	\$54,417.22	\$54,417.22
Crested Butte	\$433,075.63	\$216,537.81	\$216,537.82
Crestone	\$35,188.97	\$17,594.48	\$17,594.49
Cripple Creek	\$316,197.99	\$158,099.00	\$158,098.99
Crook	\$27,397.12	\$13,698.56	\$13,698.56
Crowley	\$43,986.21	\$21,993.10	\$21,993.11
Dacono	\$1,516,644.42	\$758,322.21	\$758,322.21
De Beque	\$130,199.17	\$65,099.59	\$65,099.58
Deer Trail	\$201,079.80	\$100,539.90	\$100,539.90
Del Norte	\$394,116.42	\$197,058.21	\$197,058.21
Delta	\$2,260,891.05	\$1,130,445.52	\$1,130,445.53
Dillon	\$243,055.21	\$121,527.61	\$121,527.60
Dinosaur	\$83,448.12	\$41,724.06	\$41,724.06
Dolores	\$240,039.02	\$120,019.51	\$120,019.51
Dove Creek	\$159,355.74	\$79,677.87	\$79,677.87
Durango	\$4,768,858.90	\$2,384,429.45	\$2,384,429.45
Eads	\$151,312.55	\$75,656.28	\$75,656.27
Eagle	\$1,755,929.39	\$877,964.69	\$877,964.70
Eaton	\$1,442,244.89	\$721,122.45	\$721,122.44
Eckley	\$64,848.24	\$32,424.12	\$32,424.12
Edgewater	\$1,340,950.94	\$670,475.47	\$670,475.47
Elizabeth	\$393,613.72	\$196,806.86	\$196,806.86
Empire	\$76,410.33	\$38,205.16	\$38,205.17
Englewood	\$8,776,379.39	\$4,388,189.70	\$4,388,189.69
Erie	\$6,787,197.43	\$3,393,598.72	\$3,393,598.71
Estes Park	\$1,615,173.53	\$807,586.76	\$807,586.77
Evans	\$5,329,871.55	\$2,664,935.78	\$2,664,935.77
Fairplay	\$197,812.26	\$98,906.13	\$98,906.13



COLORADO
Department of Local Affairs
 Division of Local Government

Federal Heights	\$3,224,063.31	\$1,612,031.65	\$1,612,031.66
Firestone	\$4,066,084.99	\$2,033,042.49	\$2,033,042.50
Flagler	\$137,991.02	\$68,995.51	\$68,995.51
Fleming	\$101,545.30	\$50,772.65	\$50,772.65
Florence	\$991,323.43	\$495,661.72	\$495,661.71
Fort Lupton	\$2,090,475.91	\$1,045,237.96	\$1,045,237.95
Fort Morgan	\$2,881,222.24	\$1,440,611.12	\$1,440,611.12
Fountain	\$7,725,234.72	\$3,862,617.36	\$3,862,617.36
Fowler	\$286,790.07	\$143,395.04	\$143,395.03
Foxfield	\$196,555.51	\$98,277.75	\$98,277.76
Fraser	\$333,289.78	\$166,644.89	\$166,644.89
Frederick	\$3,508,842.58	\$1,754,421.29	\$1,754,421.29
Frisco	\$797,784.12	\$398,892.06	\$398,892.06
Fruita	\$3,387,692.00	\$1,693,846.00	\$1,693,846.00
Garden City	\$67,110.38	\$33,555.19	\$33,555.19
Genoa	\$37,199.76	\$18,599.88	\$18,599.88
Georgetown	\$279,500.93	\$139,750.46	\$139,750.47
Gilcrest	\$277,992.83	\$138,996.41	\$138,996.42
Glendale	\$1,292,189.09	\$646,094.55	\$646,094.54
Glenwood Springs	\$2,495,903.07	\$1,247,951.53	\$1,247,951.54
Golden	\$5,219,780.36	\$2,609,890.18	\$2,609,890.18
Granada	\$126,428.93	\$63,214.46	\$63,214.47
Granby	\$537,637.13	\$268,818.56	\$268,818.57
Grand Lake	\$127,182.98	\$63,591.49	\$63,591.49
Green Mountain Falls	\$181,474.52	\$90,737.26	\$90,737.26
Greenwood Village	\$3,954,988.39	\$1,977,494.20	\$1,977,494.19
Grover	\$38,456.51	\$19,228.26	\$19,228.25
Gunnison	\$1,668,962.37	\$834,481.19	\$834,481.18
Gypsum	\$1,853,704.44	\$926,852.22	\$926,852.22
Hartman	\$18,851.23	\$9,425.62	\$9,425.61
Haswell	\$17,091.78	\$8,545.89	\$8,545.89



COLORADO
Department of Local Affairs
 Division of Local Government

Haxtun	\$227,220.18	\$113,610.09	\$113,610.09
Hayden	\$497,421.17	\$248,710.58	\$248,710.59
Hillrose	\$65,350.94	\$32,675.47	\$32,675.47
Holly	\$194,544.71	\$97,272.36	\$97,272.35
Holyoke	\$554,980.26	\$277,490.13	\$277,490.13
Hooper	\$25,134.98	\$12,567.49	\$12,567.49
Hotchkiss	\$233,252.57	\$116,626.29	\$116,626.28
Hot Sulphur Springs	\$184,239.37	\$92,119.69	\$92,119.68
Hudson	\$695,484.77	\$347,742.39	\$347,742.38
Hugo	\$195,298.76	\$97,649.38	\$97,649.38
Idaho Springs	\$448,910.66	\$224,455.33	\$224,455.33
Ignacio	\$228,225.58	\$114,112.79	\$114,112.79
Iliff	\$67,361.73	\$33,680.87	\$33,680.86
Jamestown	\$62,586.09	\$31,293.04	\$31,293.05
Johnstown	\$3,820,013.58	\$1,910,006.79	\$1,910,006.79
Julesburg	\$289,554.92	\$144,777.46	\$144,777.46
Keenesburg	\$310,919.65	\$155,459.82	\$155,459.83
Kersey	\$422,518.94	\$211,259.47	\$211,259.47
Kim	\$17,594.48	\$8,797.24	\$8,797.24
Kiowa	\$191,277.16	\$95,638.58	\$95,638.58
Kit Carson	\$58,061.79	\$29,030.90	\$29,030.89
Kremmling	\$383,057.03	\$191,528.51	\$191,528.52
Lafayette	\$7,713,169.93	\$3,856,584.96	\$3,856,584.97
La Jara	\$205,352.75	\$102,676.37	\$102,676.38
La Junta	\$1,729,537.66	\$864,768.83	\$864,768.83
Lake City	\$99,031.80	\$49,515.90	\$49,515.90
Lakeside	\$2,010.80	\$1,005.40	\$1,005.40
Lamar	\$1,924,082.37	\$962,041.19	\$962,041.18
Larkspur	\$53,286.15	\$26,643.07	\$26,643.08
La Salle	\$588,661.13	\$294,330.56	\$294,330.57
Las Animas	\$544,172.22	\$272,086.11	\$272,086.11



COLORADO
Department of Local Affairs
 Division of Local Government

La Veta	\$203,844.65	\$101,922.33	\$101,922.32
Leadville	\$720,871.10	\$360,435.55	\$360,435.55
Limon	\$490,634.72	\$245,317.36	\$245,317.36
Littleton	\$12,081,125.94	\$6,040,562.99	\$6,040,562.95
Lochbuie	\$1,835,858.61	\$917,929.31	\$917,929.30
Log Lane Village	\$213,395.94	\$106,697.97	\$106,697.97
Lone Tree	\$3,288,157.49	\$1,644,078.75	\$1,644,078.74
Louisville	\$5,232,096.50	\$2,616,048.25	\$2,616,048.25
Lyons	\$550,204.61	\$275,102.31	\$275,102.30
Manassa	\$251,601.10	\$125,800.55	\$125,800.55
Mancos	\$359,430.15	\$179,715.07	\$179,715.08
Manitou Springs	\$1,354,775.18	\$677,387.59	\$677,387.59
Manzanola	\$104,812.85	\$52,406.42	\$52,406.43
Marble	\$33,680.87	\$16,840.43	\$16,840.44
Mead	\$1,189,135.69	\$594,567.85	\$594,567.84
Meeker	\$566,039.65	\$283,019.82	\$283,019.83
Merino	\$70,629.28	\$35,314.64	\$35,314.64
Milliken	\$2,052,019.40	\$1,026,009.70	\$1,026,009.70
Minturn	\$287,795.47	\$143,897.73	\$143,897.74
Moffat	\$29,910.62	\$14,955.31	\$14,955.31
Monte Vista	\$1,040,085.29	\$520,042.64	\$520,042.65
Montezuma	\$18,599.88	\$9,299.94	\$9,299.94
Montrose	\$4,972,200.85	\$2,486,100.43	\$2,486,100.42
Monument	\$2,035,178.97	\$1,017,589.48	\$1,017,589.49
Morrison	\$106,572.30	\$53,286.15	\$53,286.15
Mountain View	\$134,974.82	\$67,487.41	\$67,487.41
Mountain Village	\$358,424.75	\$179,212.38	\$179,212.37
Mount Crested Butte	\$220,182.39	\$110,091.19	\$110,091.20
Naturita	\$133,718.07	\$66,859.03	\$66,859.04
Nederland	\$385,319.17	\$192,659.59	\$192,659.58
New Castle	\$1,307,772.77	\$653,886.39	\$653,886.38



COLORADO
Department of Local Affairs
 Division of Local Government

Northglenn	\$9,757,146.14	\$4,878,573.07	\$4,878,573.07
Norwood	\$145,531.51	\$72,765.75	\$72,765.76
Nucla	\$179,463.73	\$89,731.86	\$89,731.87
Nunn	\$116,626.29	\$58,313.14	\$58,313.15
Oak Creek	\$241,044.41	\$120,522.21	\$120,522.20
Olathe	\$461,729.50	\$230,864.75	\$230,864.75
Olney Springs	\$85,458.92	\$42,729.46	\$42,729.46
Ophir	\$46,248.35	\$23,124.18	\$23,124.17
Orchard City	\$807,335.41	\$403,667.71	\$403,667.70
Ordway	\$264,922.64	\$132,461.32	\$132,461.32
Otis	\$122,155.98	\$61,077.99	\$61,077.99
Ouray	\$259,895.65	\$129,947.82	\$129,947.83
Ovid	\$75,404.93	\$37,702.46	\$37,702.47
Pagosa Springs	\$524,064.24	\$262,032.12	\$262,032.12
Palisade	\$687,692.93	\$343,846.46	\$343,846.47
Palmer Lake	\$752,289.82	\$376,144.91	\$376,144.91
Paoli	\$8,545.89	\$4,272.95	\$4,272.94
Paonia	\$369,232.79	\$184,616.40	\$184,616.39
Parachute	\$280,506.33	\$140,253.16	\$140,253.17
Peetz	\$59,067.19	\$29,533.60	\$29,533.59
Pierce	\$284,779.27	\$142,389.64	\$142,389.63
Pitkin	\$17,343.13	\$8,671.57	\$8,671.56
Platteville	\$693,725.32	\$346,862.66	\$346,862.66
Poncha Springs	\$240,290.37	\$120,145.18	\$120,145.19
Pritchett	\$32,926.82	\$16,463.41	\$16,463.41
Ramah	\$32,675.47	\$16,337.73	\$16,337.74
Rangely	\$568,804.50	\$284,402.25	\$284,402.25
Raymer	\$28,151.17	\$14,075.59	\$14,075.58
Red Cliff	\$70,880.63	\$35,440.32	\$35,440.31
Rico	\$58,061.79	\$29,030.90	\$29,030.89
Ridgway	\$261,152.40	\$130,576.20	\$130,576.20



COLORADO
Department of Local Affairs
 Division of Local Government

Rifle	\$2,439,600.72	\$1,219,800.36	\$1,219,800.36
Rockvale	\$130,450.52	\$65,225.26	\$65,225.26
Rocky Ford	\$958,899.32	\$479,449.66	\$479,449.66
Romeo	\$103,304.75	\$51,652.37	\$51,652.38
Rye	\$41,472.71	\$20,736.35	\$20,736.36
Saguache	\$126,931.63	\$63,465.81	\$63,465.82
Salida	\$1,528,709.21	\$764,354.60	\$764,354.61
Sanford	\$222,947.23	\$111,473.62	\$111,473.61
San Luis	\$165,388.14	\$82,694.07	\$82,694.07
Sawpit	\$9,802.64	\$4,901.32	\$4,901.32
Sedgwick	\$34,434.92	\$17,217.46	\$17,217.46
Seibert	\$53,537.50	\$26,768.75	\$26,768.75
Severance	\$1,632,265.31	\$816,132.65	\$816,132.66
Sheridan	\$1,554,095.53	\$777,047.77	\$777,047.76
Sheridan Lake	\$20,862.03	\$10,431.01	\$10,431.02
Silt	\$801,805.72	\$400,902.86	\$400,902.86
Silver Cliff	\$167,650.29	\$83,825.14	\$83,825.15
Silver Plume	\$44,488.91	\$22,244.45	\$22,244.46
Silverthorne	\$1,231,111.10	\$615,555.55	\$615,555.55
Silverton	\$166,644.89	\$83,322.44	\$83,322.45
Simla	\$160,863.84	\$80,431.92	\$80,431.92
Snowmass Village	\$686,687.53	\$343,343.77	\$343,343.76
South Fork	\$106,823.65	\$53,411.82	\$53,411.83
Springfield	\$345,605.91	\$172,802.96	\$172,802.95
Starkville	\$13,572.89	\$6,786.44	\$6,786.45
Steamboat Springs	\$3,321,335.66	\$1,660,667.83	\$1,660,667.83
Sterling	\$3,643,314.70	\$1,821,657.35	\$1,821,657.35
Stratton	\$160,612.49	\$80,306.25	\$80,306.24
Sugar City	\$63,591.49	\$31,795.74	\$31,795.75
Superior	\$3,289,414.24	\$1,644,707.12	\$1,644,707.12
Swink	\$148,799.05	\$74,399.53	\$74,399.52



COLORADO
Department of Local Affairs
 Division of Local Government

Telluride	\$623,096.04	\$311,548.02	\$311,548.02
Timnath	\$1,256,246.08	\$628,123.04	\$628,123.04
Trinidad	\$2,061,067.99	\$1,030,534.00	\$1,030,533.99
Two Buttes	\$10,053.99	\$5,027.00	\$5,026.99
Vail	\$1,365,834.57	\$682,917.28	\$682,917.29
Victor	\$107,075.00	\$53,537.50	\$53,537.50
Vilas	\$26,894.42	\$13,447.21	\$13,447.21
Vona	\$26,140.37	\$13,070.19	\$13,070.18
Walden	\$150,558.50	\$75,279.25	\$75,279.25
Walsenburg	\$761,338.41	\$380,669.20	\$380,669.21
Walsh	\$129,696.47	\$64,848.24	\$64,848.23
Ward	\$40,467.31	\$20,233.66	\$20,233.65
Wellington	\$2,623,337.39	\$1,311,668.70	\$1,311,668.69
Westcliffe	\$157,847.65	\$78,923.82	\$78,923.83
Wheat Ridge	\$7,873,279.72	\$3,936,639.86	\$3,936,639.86
Wiggins	\$292,319.77	\$146,159.88	\$146,159.89
Wiley	\$98,780.45	\$49,390.23	\$49,390.22
Williamsburg	\$179,212.38	\$89,606.19	\$89,606.19
Windsor	\$7,660,386.48	\$3,830,193.24	\$3,830,193.24
Winter Park	\$273,971.23	\$136,985.62	\$136,985.61
Woodland Park	\$1,981,892.82	\$990,946.41	\$990,946.41
Wray	\$590,420.57	\$295,210.29	\$295,210.28
Yampa	\$116,626.29	\$58,313.14	\$58,313.15
Yuma	\$874,445.80	\$437,222.90	\$437,222.90
Total	\$265,396,436.00	\$132,698,218.00	\$132,698,218.00

* Town of Bonanza City has been removed as an ineligible NEU. Their allocation has been redistributed among all other eligible NEUs, per agreement between DOLA, CML and the OSC.

* Town of Carbonate does not have a population and has been removed from this list with a \$0 allocation.

Approved by: 
 Rick Garcia, DOLA Executive Director

Date: June 7, 2021

BOARD OF TRUSTEES AGENDA MEMO

DATE: 09.21.2021	AGENDA NO 6	SUBJECT: First Draft 2022 Budget
Prepared by: Angie Sprang, Town Manager		

Background:

Pursuant to Colorado Revised Statutes (C.R.S. 29-1-106(1)) Governing body must publish “Notice of Budget” upon receiving proposed budget. The attached notice of budget will be published in the Pikes Peak Courier on September 29th, 2021.

Pursuant to Colorado Revised Statutes (C.R.S 29-1-05) Budget officer must submit proposed budget to the governing body by October 15. Attached you will find the first draft of our municipal budget for fiscal year 2022.

Discussion:

The attached budget provides a year-to-date overview through month end August 2021 and presents a supplemental budget which includes considerations for additional revenues to be realized and potential expenditures during the remainder of fiscal year 2021. Staff requests that the Board discuss stimulus funds considerations and approve a supplemental budget for 2021 this evening.

The Board will discuss budget considerations that may change over the coming months as we work together to prioritize projects, community needs, and drive our community vision forward.

The attached budget provides **preliminary projections** for fiscal year 2022 and a proposed **first draft** budget. A first draft budget is a working document that will change before the final iteration is accepted. For example, property tax projections are **preliminary** numbers based on County assessed valuations received in September 2021, and the Town will receive final assessed valuations for property tax revenues later in the year prior to final budget adoption. There are many considerations such as this in municipal budgeting.

Additionally, the Parks, Recreation, & Trails Advisory Board and the Fire Mitigation Advisory Board are working diligently on proposed annual work plans and are set on the Board of Trustees agenda for collaborative work sessions on October 19, 2021. At that time, they will present a brief 2021 project progress report, and include goals/work plans for 2022, so that the Board can consider them during our priority based budgeting process. These annual collaborative work sessions ensure we are all working to achieve our goals and drive our collective vision forward together, as a community.

Considerations from this evening’s discussion and the October 19, 2021 collaborative sessions will be included in the second iteration of the 2022 draft budget, which will be presented to the Board of Trustees on November 2, 2021 at their regular 7:00 p.m. meeting. There will be a public hearing at the meeting on November 2, 2021.

Considerations from all of these collaborative efforts will be included in the final budget, which is set to be adopted on December 7, 2021 at the regular Board of Trustees meeting.

Recommended Action:

Staff requests that the Board discuss stimulus funds considerations and approve a supplemental budget for 2021 this evening.

Recommended Motion:

Move to approve the 2021 supplemental budget as presented/with discussed modifications.

Respectfully Submitted,
Angie Sprang

NOTICE OF BUDGET

(Pursuant to CRS 29-1-106)

Notice is hereby given that a proposed budget has been submitted to the Town of Green Mountain Falls for the ensuing year of 2022; a copy of such proposed budget has been filed in the Finance Department Office of the Town of Green Mountain Falls, where the same is open for public inspection; such proposed budget will be considered on first reading at a meeting of the Green Mountain Falls Town Council on September 21, 2021 at 7:00 p.m., and a public hearing held on December 7, 2021, at 7:00 p.m. with final adoption anticipated that same meeting. Additionally, a community budget meeting will be held November 02, 2021 at 7:00 p.m. Town Hall.

Any interested elector of the Town of Green Mountain Falls may inspect the proposed budget and file or register any objections thereto at any time prior to the final adoption of the budget.

Town of Green Mountain Falls
P.O. Box 524
10615 Green Mountain Falls Road
Green Mountain Falls, CO 80819

Town of Green Mountain Falls

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GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	August 2021 YTD Unaudited	2021 Estimated	2021 Supplemental Budget	Proposed 2022 Budget
REVENUE				
<u>Intergovernmental Revenue</u>				
Grants- State	\$ 26,970	\$ 25,000	\$ 26,970	\$ 25,000
HUTF	\$ 20,441	\$ 30,000	\$ 30,000	\$ 31,110
Motor Vehicle Fees- El Paso County	\$ 551	\$ 2,500	\$ 2,500	\$ 2,600
Motor Vehicle Fees- Teller County	\$ -	\$ 200	\$ 200	\$ 210
CDOT Transportation Stimulus - Public Works Operations	\$ -	\$ -	\$ 92,419	\$ -
Managed Parking	\$ 6,377	\$ -	\$ 6,377	\$ 19,000
Reimbursements- PPRTA	\$ 23,903	\$ 40,689	\$ 78,682	\$ 45,027
Road and Bridge- El Paso County	\$ 40	\$ 1,300	\$ 1,300	\$ 1,350
Road and Bridge- Teller County	\$ 139	\$ 150	\$ 150	\$ 155
Severance/Mineral Lease	\$ -	\$ 1,400	\$ 1,820	\$ 1,820
Planning Code Rewrite	\$ -	\$ 45,000	\$ 45,000	\$ -
Parking and Signage Plan	\$ -	\$ 30,000	\$ 30,000	\$ -
Total Intergovernmental Revenue	\$ 78,421	\$ 176,239	\$ 315,418	\$ 126,272

Taxes

Auto Use Tax- El Paso County	\$ 89,595	\$ 32,000	\$ 32,000	\$ 33,185
Auto Use Tax- Teller County	\$ -	\$ 2,500	\$ 2,500	\$ 2,600
Franchise- Cable	\$ 2,466	\$ 10,900	\$ 10,900	\$ 11,303
Franchise- Electric	\$ 20,713	\$ 21,000	\$ 21,000	\$ 21,777
Franchise- Gas	\$ 5,036	\$ 11,000	\$ 11,000	\$ 11,400
Franchise- Telephone	\$ 2,605	\$ 4,200	\$ 4,200	\$ 4,305
GMF Sales Tax (3%)	\$ 192,724	\$ 150,000	\$ 150,000	\$ 175,000
PPRBD Construction Use Tax	\$ 6,460	\$ 17,000	\$ 17,000	\$ 17,700
Property Tax- El Paso County	\$ 81,976	\$ 169,684	\$ 169,684	\$ 200,135
Property Tax- Teller County	\$ -	\$ 10,725	\$ 10,725	\$ 12,357
Short Term Rental Occupancy Tax	\$ 22,187	\$ 20,000	\$ 20,000	\$ 28,000
Specific Ownership- El Paso County	\$ 94,046	\$ 17,600	\$ 17,600	\$ 18,250
Specific Ownership- Teller County	\$ 11,426	\$ 850	\$ 850	\$ 850
Tobacco Tax	\$ 555	\$ 400	\$ 400	\$ 400
Total Taxes Revenue - 468680	\$ 529,789	\$ 467,859	\$ 467,859	\$ 537,262

Fee Revenue

Court- Traffic	\$ 105	\$ 350	\$ 350	\$ 350
Court- Non Traffic Offenses	\$ -	\$ 200	\$ 200	\$ 200
Animal Licenses	\$ 300	\$ 1,000	\$ 1,000	\$ 1,000
Business Licenses	\$ 3,500	\$ 5,000	\$ 5,000	\$ 5,000
Land Use- Administrative Review	\$ 4,578	\$ 5,000	\$ 5,000	\$ 5,000
Land Use- Subdivisions	\$ 200	\$ 2,450	\$ 2,450	\$ 2,450
Land Use- Zoning and Architectural Review	\$ 1,100	\$ 8,075	\$ 8,072	\$ 8,075
Liquor Licenses	\$ 1,250	\$ 500	\$ 500	\$ 1,200
Short Term Rental Licenses	\$ 9,553	\$ 11,500	\$ 11,500	\$ 11,500
Special Event Permits	\$ 700	\$ 3,000	\$ 3,000	\$ 3,000
Special Use Permits	\$ 300	\$ 6,000	\$ 6,000	\$ 6,000
Road Cut Permit	\$ -	\$ -	\$ -	\$ -
Gazebo- Rentals	\$ 1,050	\$ 7,000	\$ 2,000	\$ 2,000
Pool- Admissions & Passes	\$ -	\$ 5,000	\$ -	\$ 5,000
Special Events- Traffic Control Fees	\$ -	\$ 400	\$ 400	\$ 400
VIN Checks	\$ -	\$ 75	\$ 75	\$ 75
Interest	\$ 540	\$ 1,000	\$ 1,000	\$ 1,000
Marshal's Department	\$ -	\$ -	\$ -	\$ -
Miscellaneous Revenue	\$ 1,562	\$ -	\$ -	\$ -
Total Fee Revenue	\$ 24,738	\$ 56,550	\$ 46,547	\$ 52,250

Other Revenue

GMF Promotional Merchandise	\$ -	\$ 30	\$ 30	\$ 20
Total Other Revenue	\$ -	\$ 30	\$ 30	\$ 20

Total General Fund Revenue

\$ 632,949	\$ 700,678	\$ 829,854	\$ 715,804
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EXPENDITURES

Administration Department

Salaries and Benefits

Labor- Full Time	\$ 79,813	\$ 123,023	\$ 123,023	\$ 123,023
Labor- Part Time	\$ 35,338	\$ 41,801	\$ 44,893	\$ 29,491
Labor- Health Insurance	\$ 9,270	\$ 25,667	\$ 25,667	\$ 22,584
Labor- Employee Share Health Insurance	\$ -	\$ 100	\$ 100	\$ 100
Labor- FICA	\$ 8,720	\$ 12,846	\$ 12,846	\$ 12,846

Town of Green Mountain Falls

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GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	August 2021 YTD Unaudited	2021 Estimated	2021 Supplemental Budget	Proposed 2022 Budget
Labor- State Unemployment Insurance	\$ 166	\$ 300	\$ 300	\$ 300
Labor- Workman's Comp	\$ 2,428	\$ 500	\$ 500	\$ 500
Labor- Retirement	\$ -	\$ 1,803	\$ 1,803	\$ 1,803
Labor- Cell Phone Stipend	\$ -	\$ 720	\$ 720	\$ 720
Total Salaries and Benefits	\$ 135,735	\$ 206,760	\$ 209,852	\$ 191,367

Operations

Insurance- Surety Bond	\$ 315	\$ 200	\$ 200	\$ 415
Maintenance- Building	\$ 278	\$ 1,000	\$ 1,000	\$ 1,000
Publications- Code	\$ 364	\$ 3,000	\$ 3,000	\$ 400
Publications- Legal Notices	\$ 165	\$ 600	\$ 600	\$ 600
Supplies- Office	\$ 1,058	\$ 2,500	\$ 2,500	\$ 2,500
Training- Professional Development, Per Diem	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
CARES Act Expenses	\$ -	\$ -	\$ -	\$ -
Utilities- Electric	\$ 1,117	\$ 1,400	\$ 1,400	\$ 1,400
Utilities- Natural Gas	\$ 862	\$ 1,400	\$ 1,400	\$ 1,400
Utilities- Telephone/ Internet	\$ 2,796	\$ 2,500	\$ 2,500	\$ 2,500
Total Operations	\$ 11,955	\$ 17,600	\$ 17,600	\$ 15,215
Total Administration Department Expenditures	\$ 147,690	\$ 224,360	\$ 227,452	\$ 206,582

Interdepartmental Expenditures

Professional Services

Services- Audit	\$ -	\$ 6,250	\$ 6,250	\$ 6,250
Services- IT	\$ 3,373	\$ 3,500	\$ 3,500	\$ 3,500
Services- Marketing	\$ -	\$ 2,500	\$ -	\$ 1,000
Services- Professional	\$ 16,420	\$ 10,000	\$ 20,000	\$ 20,000
Services- Town Attorney	\$ 39,930	\$ 43,109	\$ 43,109	\$ 20,000
Total Professional Services	\$ 59,723	\$ 65,359	\$ 72,859	\$ 50,750

Operations

Election	\$ -	\$ -	\$ -	\$ 6,000
Fees- Annual Dues, Licenses, Memberships	\$ 1,702	\$ 1,500	\$ 1,700	\$ 1,700
Fees- Banking Charges	\$ -	\$ 500	\$ 500	\$ 500
Fees- Payroll Processing	\$ 828	\$ 1,000	\$ 1,000	\$ 1,000
Fees- Software	\$ 3,513	\$ 10,500	\$ 10,500	\$ 10,500
Fees- Tax Collection	\$ 2,444	\$ 2,800	\$ 2,800	\$ 2,800
Insurance- Property/ Casualty Liability Premiums	\$ 21,233	\$ 21,233	\$ 21,233	\$ 22,495
Insurance- Workman's Comp- Board Members	\$ -	\$ 150	\$ 150	\$ 150
Miscellaneous Expense	\$ -	\$ 13,830	\$ -	\$ 15,000
Transfers- Capital Improvement	\$ -	\$ -	\$ -	\$ -
Total Operations	\$ 29,720	\$ 51,513	\$ 37,883	\$ 60,145
Total Interdepartmental Expenditures	\$ 89,443	\$ 116,872	\$ 110,742	\$ 110,895

Judicial Department

Professional Services

Services- Professional	\$ -	\$ 1,000	\$ 1,000	\$ 1,000
Services- Prosecutor	\$ -	\$ 1,500	\$ 1,500	\$ 1,500
Total Professional Services	\$ -	\$ 2,500	\$ 2,500	\$ 2,500
Total Judicial Department Expenditures	\$ -	\$ 2,500	\$ 2,500	\$ 2,500

Public Safety Department

Salaries and Benefits

Labor- Full Time	\$ 38,576	\$ 62,825	\$ 62,825	\$ 62,825
Labor - Part Time	\$ -	\$ 21,760	\$ 21,760	\$ 21,760
Labor- Health Insurance	\$ 6,132	\$ 12,789	\$ 11,122	\$ 11,292
Labor- Employee Share Health Insurance	\$ 165	\$ 1,000	\$ 1,000	\$ 1,000
Labor- FICA	\$ 2,991	\$ 4,806	\$ 4,806	\$ 4,806
Labor- State Unemployment Insurance	\$ 46	\$ 100	\$ 100	\$ 100
Labor- Workman's Comp	\$ 2,429	\$ 1,500	\$ 1,500	\$ 1,500
Labor- Cell Phone Stipend	\$ -	\$ -	\$ -	\$ -
Total Salaries and Benefits	\$ 50,339	\$ 104,780	\$ 103,113	\$ 103,283

Operations

Fees- Annual Dues, Licenses, Memberships	\$ -	\$ 2,000	\$ 2,000	\$ 2,000
Insurance- Surety Bond	\$ 100	\$ 200	\$ 200	\$ 200
Maintenance- Vehicle	\$ 199	\$ 4,250	\$ 4,250	\$ 4,250
Supplies- Ammunition	\$ 476	\$ 500	\$ 500	\$ 500
Supplies- Clothing	\$ 208	\$ 1,000	\$ 1,000	\$ 1,000

Town of Green Mountain Falls

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GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	August 2021 YTD Unaudited	2021 Estimated	2021 Supplemental Budget	Proposed 2022 Budget
Supplies- Fuel	\$ 48	\$ 2,000	\$ 2,000	\$ 2,000
Supplies- Office	\$ 400	\$ 700	\$ 700	\$ 700
Supplies- Operational	\$ 798	\$ 4,000	\$ 4,000	\$ 4,000
Training- Certifications	\$ 80	\$ 400	\$ 400	\$ 400
Training- Professional Development, Per Diem	\$ 250	\$ 2,000	\$ 2,000	\$ 2,000
Utilities- Electric	\$ 152	\$ 400	\$ 400	\$ 400
Utilities- Natural Gas	\$ -	\$ 900	\$ 900	\$ 900
Utilities- Telephone/Internet	\$ 80	\$ 360	\$ 360	\$ 360
Total Operations	\$ 2,791	\$ 18,710	\$ 18,710	\$ 18,710
Total Public Safety Department Expenditures	\$ 53,130	\$ 123,490	\$ 121,823	\$ 121,993

Parks and Recreation Department

Parks Operations

Part time employee/Contractor for Grounds Maintenance	\$ -	\$ 9,768	\$ -	\$ 13,350
Services - Non-Professional (Labor)	\$ 1,440	\$ -	\$ 1,440	
Maintenance- Grounds	\$ 1,418	\$ 1,000	\$ 1,414	\$ -
Services- Wildlife Mitigation	\$ -	\$ 1,000	\$ -	\$ -
Supplies Operational	\$ 50	\$ 700	\$ 50	\$ -
Utilities- Electric- Fountain	\$ 1,605	\$ 2,000	\$ 1,605	\$ 2,000
Utilities- Electric- Gazebo	\$ 479	\$ 1,000	\$ 479	\$ 1,000
Total Parks Operations	\$ 4,992	\$ 15,468	\$ 4,988	\$ 16,350

Pool

Pool Contractor	\$ -	\$ -	\$ -	\$ 22,572
Labor- Part Time	\$ -	\$ 12,000	\$ -	\$ -
Labor- FICA	\$ -	\$ 850	\$ -	\$ -
Labor- State Unemployment Insurance	\$ -	\$ 100	\$ -	\$ -
Labor- Hiring/New Employee Expenses	\$ -	\$ 280	\$ -	\$ -
Maintenance- Building	\$ 552	\$ -	\$ 552	\$ -
Services- Inspections	\$ -	\$ 130	\$ -	\$ 130
Food	\$ -	\$ -	\$ -	\$ -
Supplies- Office	\$ -	\$ 50	\$ -	\$ 600
Supplies- Operational	\$ 334	\$ 300	\$ 334	\$ -
Supplies- Pool Start Up Funds	\$ 788	\$ 120	\$ 788	\$ 120
Utilities- Electric	\$ 128	\$ 900	\$ 128	\$ 900
Utilities- Natural Gas	\$ -	\$ 630	\$ -	\$ 630
Utilities- Telephone/Internet	\$ -	\$ 210	\$ 300	\$ 1,290
Utilities- Water	\$ 573	\$ 900	\$ 573	\$ 900
Total Pool	\$ 2,375	\$ 16,470	\$ 2,675	\$ 27,142
Total Parks and Recreation Department Expenditures	\$ 7,367	\$ 31,938	\$ 2,675	\$ 43,492

Public Works Department

Salaries and Benefits

Labor- Full Time	\$ 51,240	\$ 96,316	\$ 86,940	\$ 116,022
Labor- Part Time	\$ 1,310	\$ 1,310	\$ 1,310	\$ -
Labor- Health Insurance	\$ 9,366	\$ 15,435	\$ 23,808	\$ 32,880
Labor- FICA	\$ 3,770	\$ 7,468	\$ 7,468	\$ 7,468
Labor- Overtime	\$ 630	\$ 5,000	\$ 5,000	\$ 2,500
Labor- State Unemployment Insurance	\$ 89	\$ 200	\$ 200	\$ 200
Labor- Workman's Comp	\$ 2,429	\$ 3,650	\$ 3,650	\$ 200
Labor- Cell Phone Stipend	\$ -	\$ -	\$ -	\$ -
Total Salaries and Benefits	\$ 68,834	\$ 129,379	\$ 128,376	\$ 159,270

Operations

Equipment- Rental	\$ -	\$ -	\$ -	\$ -
Equipment- Repair and Service	\$ 11,823	\$ 12,500	\$ 12,500	\$ 12,500
Maintenance- Building	\$ 579	\$ -	\$ -	\$ -
Maintenance- Roads	\$ 7,502	\$ 40,689	\$ 78,682	\$ 45,027
Maintenance- Vehicle	\$ 1,158	\$ 4,000	\$ 4,000	\$ 4,000
Supplies- Fuel	\$ 4,791	\$ 6,300	\$ 6,300	\$ 6,300
Supplies- Office	\$ 135	\$ 300	\$ 300	\$ 300
Supplies- Operational	\$ 1,616	\$ 1,600	\$ 1,600	\$ 1,600
Supplies- Clothing	\$ 66	\$ -	\$ -	\$ -
Tools	\$ 36	\$ 250	\$ 250	\$ 250
Training- Certifications	\$ 449	\$ -	\$ -	\$ -
Training- Professional Development, Per Diem	\$ -	\$ -	\$ -	\$ -
Recovery	\$ -	\$ -	\$ -	\$ -
Utilities- Electric	\$ 1,432	\$ 3,000	\$ 3,000	\$ 3,000
Utilities- Natural Gas	\$ 159	\$ 900	\$ 900	\$ 900

Town of Green Mountain Falls

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GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	August 2021 YTD Unaudited	2021 Estimated	2021 Supplemental Budget	Proposed 2022 Budget
Utilities- Telephone/Internet	\$ -	1,500	\$ 1,500	\$ 1,500
Utilities- Trash	\$ 1,305	1,100	\$ 1,100	\$ 1,100
Utilities- Electric- Street Lights	\$ 3,160	-	\$ 4,144	\$ 4,144
Total Operations	\$ 34,211	\$ 72,139	\$ 114,276	\$ 80,621
Total Public Works Department Expenditures	\$ 103,045	\$ 201,518	\$ 242,652	\$ 239,891
Total Expenditures	\$ 400,675	\$ 700,678	\$ 707,844	\$ 725,353
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ 232,274	\$ -	\$ 122,010	\$ (9,549)
OTHER FINANCING SOURCES (USES)				
Transfer to Capital Improvement Fund	\$ (96,000)	\$ (96,000)	\$ (96,000)	\$ -
Total Other Financing Sources (Uses)	\$ (96,000)	\$ (96,000)	\$ (96,000)	\$ -
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ 136,274	\$ (96,000)	\$ 26,010	\$ (9,549)
FUND BALANCE - BEGINNING	\$ 423,572	\$ 423,572	\$ 423,572	\$ 449,582
FUND BALANCE - ENDING	\$ 559,846	\$ 327,572	\$ 449,582	\$ 440,033

Town of Green Mountain Falls

CAPITAL IMPROVEMENT FUND DETAIL

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Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	August Actual YTD	2021 Estimated	2021 Supplemental Budget	Proposed 2022 Budget
REVENUE				
<u>Intergovernmental Revenue</u>				
Capital- ARPA Stimulus			90,737	90,737
Capital- Trail Donation Fund	-	-	-	500
Capital- Block Grants- El Paso County		\$ -	\$ -	\$ 150,000
Capital- Pikes Peak Rural Transportation Authority	\$ 25,936	151,737	243,290	
Capital- State Grants- Dept of Natural Resources		-	-	-
Capital- State Grants- DOLA 2 (Flood Recovery)	\$ 64,989	84,392	84,392	-
Capital- State Grants- DOLA 3 (Planning Code Re-Write)	\$ 24,374	25,000	25,000	-
Capital-Kirkpatrick Family Fund (Planning Code Re-Write)	\$ -	45,000	45,000	-
Capital-Kirkpatrick Family Fund (Comprehensive Signage & Parking)	\$ -	30,000	30,000	-
Capital-Kirkpatrick Family Fund (Fitness Court)			220,000	
Total Intergovernmental Revenue	\$ 115,299	\$ 336,129	\$ 738,419	\$ 241,237
<u>Other Revenue</u>				
Capital- Bank Interest	\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100
*Capital- Donations- Monies	\$ -	-	-	-
Total Other Revenue	\$ 2,100	\$ 2,100	\$ 2,100	\$ 2,100
Total Revenue	\$ 117,399	\$ 338,229	\$ 740,519	\$ 243,337
EXPENDITURES				
<u>Capital Outlay (from General Fund)</u>				
<u>Capital Outlay</u>				
Capital- Administrative Infrastructure (Planning Code Re-write)	\$ 14,433	\$ 70,000	\$ 70,000	\$ 55,567
Capital- Fire Mitigation	\$ 722	22,254	22,254	\$ 15,000.00
Capital- Repairs- Park	\$ 2,726	8,500	228,500	\$ 10,600.00
Capital- Repairs- Roads and Infrastructure	\$ -	-	-	-
Belvidere Widening/ Overlay	\$ -	-	-	-
Maple St Bridge	\$ 39,677	42,196	42,196	-
Midland Culvert	\$ 39,677	42,196	42,196	-
Stilling Basins	\$ 15,682	151,306	243,290	
Comprehensice Signage and Parking Project	\$ -	30,000	30,000	30,000
ARPA Infrastructure Improvements - TBD				90,737
ARPA Infrastructure Improvements - Lake Park Restroom Improvements			90,737	
Total Expenditures	112,917	\$ 366,452	\$ 769,173	\$ 201,904
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ 4,482	\$ (28,223)	\$ (28,654)	\$ 41,433
<u>OTHER FINANCING SOURCES (USES)</u>				
Capital- Transfer from Conservation Trust Fund	\$ 8,500	\$ 8,500	\$ 8,500	\$ 10,625
Capital- Transfer from General Fund	\$ 96,000	96,000	96,000	-
Total Other Financing Sources (Uses)	\$ 104,500	\$ 104,500	\$ 104,500	\$ 10,625
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING SOURCES (USES)	\$ 108,982	\$ 76,277	\$ 75,846	\$ 41,433
FUND BALANCE - BEGINNING	\$ 69,833	\$ 69,833	\$ 69,833	\$ 145,679
FUND BALANCE - ENDING	\$ 178,815	\$ 146,110	\$ 145,679	\$ 187,112

Town of Green Mountain Falls

CONSERVATION TRUST FUND DETAIL

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Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	August Actual YTD	2021 Estimate	2021 Supplemental Budget	Proposed 2022 Budget
REVENUE				
<u>Intergovernmental Revenue</u>				
CTF- Lottery Proceeds	\$ 8,500	\$ 8,500	\$ 8,500	\$ 10,600
Total Intergovernmental Revenue	\$ 8,500	\$ 8,500	\$ 8,500	\$ 10,600
<u>Other Revenue</u>				
CTF- Bank Interest	\$ 25	\$ 25	\$ 25	\$ 25
Total Other Revenue	\$ 25	\$ 25	\$ 25	\$ 25
Total Conservation Trust Fund Revenue	\$ 8,525	\$ 8,525	\$ 8,525	\$ 10,625
EXPENDITURES				
<u>Parks and Recreation</u>				
<u>Parks and Recreation</u>				
CTF- Parks and Recreation Projects Labor	\$ 8,500	\$ 8,500	\$ 8,500	\$ 10,600
Total Parks and Recreation Expenditures	\$ 8,500	\$ 8,500	\$ 8,500	\$ 10,600
Total Expenditures	\$ 8,500	\$ 8,500	\$ 8,500	\$ 10,625
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ 25	\$ 25	\$ 25	\$ 25
<u>OTHER FINANCING SOURCES (USES)</u>				
CTF- Transfer to Capital Improvement Fund	\$ (8,500)	\$ (8,500)	\$ (8,500)	\$ (10,600)
Total Other Financing Sources (Uses)	\$ (8,500)	\$ (8,500)	\$ (8,500)	\$ (10,600)
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ 25	\$ 25	\$ 25	\$ 25
FUND BALANCE - BEGINNING	\$ 2,515	\$ 2,515	\$ 2,515	\$ 2,540
FUND BALANCE - ENDING	\$ 2,540	\$ 2,540	\$ 2,540	\$ 2,565



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TOWN OF GREEN MOUNTAIN FALLS
MEMORANDUM

TO: BOARD OF TRUSTEES

FROM: JEFFERSON H. PARKER, TOWN ATTORNEY JHP
KATHARINE J. VERA, ESQ.

DATE: SEPTEMBER 17, 2021

RE: UPDATED REVISIONS TO GREEN MOUNTAIN FALLS MUNICIPAL CODE

This memorandum provides an overview of the portions of the Town's Code that have been revised, deleted, or amended as part of a project to redraft the Town's Code. Over the course of the past few months, the Town's attorneys have worked to update the Code in an effort to remain consistent with state law and to ensure the Code accurately reflects the Town's current practices and procedures. A majority of the updates to the Code were made in order to remove superfluous language and to remove sections that contained bulky procedural information that does not need to be contained in the Code and can be instead maintained internally by the Town (e.g., lengthy procedural and technical specifications on construction procedures).

The Town's attorneys worked with and received comments from the Town Manager, Town Clerk, and Town Marshal in making changes to the Code. Attached to this memorandum are Microsoft Word compare documents for the existing Code and proposed changes, identifying the changed material in each chapter. Below is an explanation of the major changes to each chapter, where elaboration was warranted. Minor changes were not addressed.

Changes to Chapter 1

Article I: Most changes to this Article were to remove superfluous language.

Article IV: The Town opted to increase its maximum fine from \$1,000.00 to \$2,650.00 pursuant to C.R.S. § 13-10-113. The Town also imposed imprisonment for up to one year under this same provision.

The Town is considering a "hybrid option" of authorizing the maximum \$2,650.00 penalty generally but providing for a reduced (\$500.00) fine cap and no potential jail time for certain low-level offenses such as traffic infractions, noise disturbances, littering, and animal related offenses which don't have state counterparts that would otherwise require a jury. This retains the Town's ability to collect higher fines on certain offenses (i.e., theft, harassment) while still reducing costs associated with jury trials, though not removing jury trials altogether as a possibility. With this option the Town essentially decriminalizes only part of its Code. While more work initially to determine which provisions may be decriminalized, this option does provide the Town with the ability to properly punish the more serious offenses without having to remove those offenses from its Code and thereby requiring the offenses to be written into county court rather than the Municipal Court. The Town has not yet identified which offenses to classify as "low-level," and may need to work with the Trustees in identifying which offenses to "decriminalize."

Relatedly, the definition of "misdemeanor" in Sec. 1-21 has been removed as this is a legal term that should not be interpreted differently by the Code, but should rather follow the interpretation of state statute. Future references to the term "misdemeanor" will be removed unless the context is fitting. Only the generic term "violation" should be used for a violation of the Code.

Changes to Chapter 2

Old Section 2-21; New Section 2-11: Composition; eligibility and term of office; power Article XVIII, Sec. 11 of the Colorado Constitution was amended in 1994 to provide term limits for elected public officials in the state, including those for statutory towns. Therefore, this Section needed to be amended to comply with the Constitution and the Mayor is limited to three terms of two years in office rather than four. Amended to reflect the Town's decision in the 2018 election to move from 7 trustees to 5 trustees.

Old Sections 2-30 and 2-31: Agenda, Board packets, and confidential materials; Order of business. These Sections are important guidance for handling Town business at public meetings, but do not necessarily need to be in the Code. These were removed and will be adopted into a policy, rather than being contained in the code.

Old Section 2-33; New Section 2-23: Adoption of Ordinances. This Section has been amended to remove the hearing process for ordinance adoption. Adoption of ordinances is typically a legislative act by the Board, and a hearing is therefore not required. Public comment can and should still be allowed at every public meeting where an ordinance is proposed for adoption, but allowing a full public hearing, requiring a workshop be held prior to consideration at a meeting, and requiring reading in full of the ordinance only serves to place additional unnecessary process on the Town. The Town could keep these provisions if it verifies this process is followed for every

ordinance and still wishes to follow this process, but it is not recommended.

Article III: This Article regarding hearings has also been modified to remove unnecessary procedures that it is unlikely the Town follows. They have also been simplified. Former Section 2-56 (now Sec. 2-46) did not comply with the Open Meetings Law.

Old Section 2-83; New Section 2-63: Town manager and town clerk, oath and bond. The Town may set this requirement for a bond by Town officers if it so desires. We could alternatively set this amount in the fee resolution rather than in the Code.

Old Section 2-87; New Section 2-66: Removal from office. Officers are handled differently under state law than employees are. This section now follows the process of C.R.S. § 31-4-307.

Article V: This Article was previously reserved, and we have moved up the Code of Ethics to fill this space with minor revisions.

Article VI: Most deletions from this Article are already part of the Municipal Court Rules of Procedure, are inherent powers of a judge, or should be provided for administratively, and thus unnecessary for the Code. Most notably we have added provisions for contempt of court and for seeking collections on unpaid fees and costs, as well as restitution for victims. Under C.R.S. § 5-16-111.5 of the Colorado Fair Debt Collection Practices Act, a collection agency collecting on any debt arising from past-due fines or fees due to any political subdivision within the state can only charge 18% in additional fees and costs and this limitation has been incorporated into the Code. This Article will need to be revisited once we discuss decriminalization and penalties to ensure compliance before final adoption.

Article VII: This Article pertaining to the Town Marshal has not been altered very much, but some outdated and concerning provisions were taken out (special marshals, duty to aid). If there is no Town jail and if we decriminalize the Code this provision will need further revision. The bond amount may also be changed or moved to determination by resolution if the Town desires.

Article VIII: Parking code enforcement officers have now been added to the Code.

Article IX: This Article may be the biggest change in the Code so far and has been rewritten to have the Town comply with state emergency management statutes known as the Colorado Disaster Emergency Act, C.R.S. § 24-7-33.5, *et seq.* Under these changes, the Town Manager, and not the Mayor, holds most authority as the designated emergency manager with emergency manager powers as set forth in the statutes. However, the mayor is the backup authority should the Town Manager be unavailable, and it is still the Mayor who must first declare a disaster emergency.

Changes to Chapter 3

As a preliminary matter, this Chapter has been renumbered from Chapter 4. There is no Chapter 3 in the current Code.

Article I: Removed the provision related to publication of financial statements because the Town voted in 2018 to no longer publish proceedings related to payment of bills, contracts, and rebates.

Article III: Removed the licensing section under the sales tax provision, because the Department of Revenue handles this and there are still business licenses required under Chapter 4.

Revenues from the 2% use tax should go to the general fund unless the Town is aware of any limitations placed on the use of these tax revenues when the tax was established. The 1% additional use tax is restricted by its establishing documents, as correctly reflected in the Code.

Article VI: This has been moved to Chapter 3 Revenue and Finance from Chapter 4 Franchises, as it better fits in the Chapter regarding revenues and taxes for the Town. The tax is still valid and the calculation has not changed. The penalty has been updated to reflect the new general maximum penalty.

Article VII: This has been moved to Chapter 3 Revenue and Finance from Chapter 4 Franchises, as it better fits in the Chapter regarding revenues and taxes for the Town. Emergency telephone service charges were recently addressed by HB-20-1293 and this Article needed minor changes to account for this updated statutory scheme. Legislation makes it clear this is not a tax, but a fee to defray costs of program, which means it will be easier for the Town to adjust the rates as needed to defray these costs. However, the fee cannot exceed the annual threshold amount established by the public utilities commission of the state of Colorado. This current rate is \$.50 per month. This is the also the current rate in the Code. The Town could remove the 2% alternative in the Code, however, as it reads currently, the Code still complies with the PUC rate as it is the lesser between these two options which will ultimately be charged.

Changes to Chapter 5

New Section 5-14: The Section is new, as we want to limit the general penalty of \$2,650.00 to the lesser \$499.00 in these circumstances to avoid jury trials.

Article II: This Article has been converted into a business licensing fee, rather than a business occupation tax. The former tax likely violated TABOR in the manner in which the rate is set by resolution by the Board of Trustees, rather than approved by the voters at an election. Without further information from the Town as to how and when this tax was established and how the tax has been historically collected and the rates at which this tax has been imposed, the tax is very likely unconstitutional. The Article was originally titled "business licenses" and the Town does currently collect a fee to issues business licenses. Therefore, we think the intent of this section was to establish authority to issue business licenses and collect a fee for this issuance. We have therefore made changes to this Article to implement the same. The more general licensing requirements which apply to all licenses issued by the Town are addressed in Article I. If the Town would like to us explore further whether the business occupation tax is valid, we can do so if more information is provided.

Article III: This Article has been updated to the new statutory references in Title 44. We also needed to establish who the liquor licensing authority is, and have set this entity as the Board of Trustees. If this is incorrect and the Town uses another body as the Liquor Licensing Authority, this provision can be changed.

Article VI: This Article combines medical and retail marijuana prohibition into one article for "regulated marijuana" which follows the new statutory scheme under Title 44. All regulated marijuana sales remain prohibited in the Town. The penalty is criminal in nature.

Changes to Chapter 8

For ease of use, this Chapter has not been renumbered. We will likely move another Chapter forward to fill the gap at a later time, or may reserve a chapter.

Article I: We have adopted the newest model traffic Code for the Town. This 2020 version has had good reviews from users so far and will provide the Town with the most up-to-date traffic regulations including new provisions mechanized equipment like e-bikes and e-scooters. Most major provisions of the previous edition of the model traffic code, which account for the most citations (speeding, careless and reckless driving, etc), remain unchanged. There was a disconnect between Sections 8-2 and 8-4 regarding what the general speed limit in the Town is to be. We have corrected this to 20 mph. The Town may decide to increase or reduce this but it need to be consistent in both Sections.

Old Section 8-9; New Section 8-5: Civil and criminal violations; right to jury trial, and penalties. This Section has been changed to comply with state law regarding right to jury in criminal traffic matters. Any person charged with a misdemeanor under counterpart state law or the Model Traffic Code will be entitled to a jury. For this reason, it is best not to reference the specific provisions that are criminal, as this might change over time. The Model Traffic Code does a good job of listing in the offense what the penalty is, and if it is a misdemeanor or noncriminal traffic offense. The fine for noncriminal traffic offenses has been capped at \$499.00 so persons charged under these offenses will be not be entitled to a jury. Paragraphs (e)(f) and (g) have been taken out of the Code and should be placed in the annual fee schedule. The Town still has the option of keeping these in the Code if it does not want to place these in the fee schedule.

Article II: Part 18 of the Model Traffic Code addressed abandoned vehicles on public property, so this section need only address abandoned vehicles on private property. Minor changes have been made to account for this.

Article III: This is new, and adopts the residential parking plan we drafted for the Town last summer. It is consistent with the Parking Services Agreement recently reviewed by us. That agreement goes into more detail over the establishment of parking areas and rates. The Code need only establish the means of violation and the parameters of the program.

Changes to Chapter 10

Again, most of the changes to this Chapter were made to remove superfluous language and superfluous provisions, and to remove outdated offense provisions.

Article I: Deleted the classification of violations section because it isn't necessary to designate each violation in the code as class 1 or 2 petty offenses. The Town's prosecutors likely already have fine and punishment schemes for all the violations the Town handles in municipal court that properly address the severity of each offense. We added a violation and penalty section at the end of Article I that cites to Section 1-42 and addresses restitution and penalties.

Article II: All changes to this Article were made to simplify and condense the provisions regarding offenses by or against public officers and government. We included a provision that addresses civilians being prohibited from impersonating Town police vehicles, per the Town Marshal's suggestion.

Article V and VI: Simplified and condensed provisions relating to theft and removed the offense relating to the use of "slugs" as it is rather outdated.

Article VII: Added marijuana definitions and updated language regarding possession of marijuana, public consumption of marijuana, drug paraphernalia and supply of marijuana to minors.

Article VIII: The language in this article was updated to make it unlawful for minors to consume any alcoholic beverages, and not just fermented malt beverages. We deleted the section regarding minors being prohibited in taverns, per the Marshal's comment. Taverns are not a defined term, and bars are free to prohibit anyone under the age of 21 from entering their premises. We did not remove Section 10-164 concerning fights at bars or disturbances, but it should be noted that this would be hard to enforce. If there are consistently fights or noise disturbances at a bar, the Town may issue a warning and threaten action against the bar's license. The Marshal noted that we should address liquor licenses for restaurants that have extended alcohol sales into their parking lots. This is currently being addressed by temporary modification of liquor license premises during COVID. However, some businesses may want to permanently alter their premises to include sales in newly configured outdoor spaces in parking lots or adjoining outdoor areas. Under CRS § 44-5-101 and Chapter 5 of this code, special licenses and permits can be acquired for liquor sales as well. If the Town is interested in offering another type of permit, this is something we can address. We have included language to allow the possession of unopened containers in conjunction with alcohol takeout and delivery.

Article IX: Most changes to this Article were made to simplify and condense the provisions related to offenses listed under this Article. The offense related to prohibiting publications inciting hatred and violence poses first amendment issues, and was removed. Publications are only illegal under state law if they make a direct call to violence or make specific threats of violence. We believe this provision is largely addressed by the harassment provision.

Article XI: The Town may want to consider expanding the curfew for minors to 12:00 a.m. to 5 a.m. on weekends and may want to consider including an exception for driving to and from place of employment (this is implied, but not explicitly stated).

CHAPTER 65 - Business Licenses and Regulations

ARTICLE I - Licensing Generally

Sec. 65-1. - Applications.

Applications for all licenses and permits required by any provision of this Code ~~or any code adopted herein~~ shall be made in writing to the Town Clerk in the absence of a specific provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid, and each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for. ~~(Prior code 7-1-1)~~

Sec. 65-2. - Persons subject to license.

Whenever in this Code, ~~or in any code adopted herein~~, a license is required for the maintenance, operation or conduct of any business or establishment, for doing business or for engaging in any activity or occupation, any person or corporation shall be subject to the requirement if, by ~~himself or herself~~ their self or through an agent, employee or partner, the applicant holds ~~himself or herself~~ themselves forth as being engaged in the business or occupation, solicits patronage therefor, actively or passively or performs or attempts to perform any part of such business or occupation in the Town. ~~(Prior code 7-1-2)~~

Sec. 65-3. - Forms.

Forms for all licenses and permits and applications therefor shall be prepared and kept on file by the Town Clerk. ~~(Prior code 7-1-3)~~

Sec. 65-4. - Signatures.

Each license or permit issued shall bear the signature of the Town Clerk, in the absence of any specific provision to the contrary. Such license or permit shall be in substantially the following form:

No. _____ State of Colorado

By Authority of
The Town of
GREEN MOUNTAIN FALLS

LICENSE

PERMISSION IS HEREBY GIVEN TO _____ TO MAINTAIN AND
CARRY ON THE FOLLOWING DESCRIBED BUSINESS OF _____

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FOR THE TERM OF ____ MONTHS, BEING FROM THE ____ DAY OF ____ A.D., ~~4920~~, TO THE ____ DAY OF ____ A.D., ~~4920~~, BOTH DAYS INCLUSIVE.

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IN TESTIMONY WHEREOF THE SIGNATURE OF THE TOWN CLERK IS HEREUNTO AFFIXED THIS ____ DAY OF ____ A.D., ~~4920~~.

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____ TOWN CLERK

(Prior code 7-1-4; Ord. 92-04 §1)

TOWN CLERK

Sec. ~~65~~-5. - Investigations.

Upon the receipt of an application for a license or permit where any provision of this Code ~~or of any code adopted herein~~, necessitates an inspection or investigation before the issuance of such permit or license, the Town Clerk shall refer such applications to the proper officer, board or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, board or commission charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The County Health Commissioner ~~Inspector~~ shall make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food, the prevention of nuisances and the spread of disease, for the protection of health; the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise specifically provided, shall be made by the Town Marshal or by another officer designated by the Town ~~Administrator~~. (Prior code 7-1-5)

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Manager.

Sec. ~~5-6~~-6. - Fees.

~~In the absence of any specific provision to the contrary, all~~ All fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Town Clerk. Except as otherwise provided, all license fees shall become a part of the General Fund. (Prior code 7-1-6)

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Sec. ~~65~~-7. - Termination of licenses; renewal.

In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the Town's fiscal year. Unless specifically stated otherwise, all annual licenses may be renewed upon payment of the annual license fee to the Town Clerk without further examination or investigation. The Board of Trustees reserves the right to deny any license

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renewal when it is deemed by a majority vote of the Board of Trustees that said license would endanger the health, safety and welfare of the Town. ~~(Prior code 7-1-7)~~

Sec. 65-8. - Building and premises.

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of this Code ~~and any code adopted hereby.~~ No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of **Chapter 16** of this Code. ~~(Prior code 7-1-8)~~

Sec. 65-9. - Change of location.

The location of any licensed business or occupation or of any permitted act may be changed; provided that ten (10) days' notice thereof is given to the Town Clerk in the absence of any provision to the contrary; further provided that the building requirements of this Code ~~and any code adopted hereby~~ are complied with. ~~(Prior code 7-1-9)~~

Sec. 65-10. - Inspections.

(a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or ~~by any code adopted herein or~~ are reasonably necessary to secure compliance with any provision of this Code ~~or any code adopted herein~~, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested, and it shall be unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or ~~any code adopted herein or~~ to detect violations thereof, it shall be the duty of the licensee whose business is governed by such provision to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request, and it shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.

(c) Conviction of a violation of any provision of this Article shall automatically forfeit and revoke any license issued under this Chapter; provided that there shall be no violation of this Article unless written demand is made upon the licensee or person in charge of the premises, in the name of the Town, stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample. ~~(Prior code 7-1-10)~~

Sec. 65-11. - Revocation.

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The Board of Trustees may, upon seven (7) days' written notice to a licensee stating the contemplated action and in general the grounds therefor and after a reasonable opportunity to be heard, revoke any license issued by the Town if it finds that:

- (1) The licensee has failed to pay the annual license fee;
- (2) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license; ~~or~~
- (3) The licensee has violated any of the terms of the provisions pertaining to ~~his or her~~ their license or any regulation or order lawfully made relating thereto; ~~or existing~~ existing at the time of the application for such license, would have warranted the refusal of the issuance of such license. ~~(Prior code 7-1-11)~~

; or

- (4) The licensee is in violation of any part of this Code.

Sec. 65-12. - Return of fees.

Upon refusal of any license, the fee therefor paid in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefor shall be and remain the monies of the Town and no refund shall be made to any licensee. ~~(Prior code 7-1-12)~~

Sec. 65-13. - Posting license.

It shall be the duty of any person conducting a licensed business in the Town to keep ~~his or her~~ their license posted in a prominent place on the premises used for such business at all times.

Sec. ~~(Prior code 7-1-13)~~

5-14. - Violation.

It is unlawful for any person to violate any part of this Article. A violation of this Article is punishable by a fine not exceeding four hundred and ninety-nine dollars (\$499.00). Each day of violation shall constitute a separate offense. In addition to any other available penalties, the Town may enjoin a person from engaging in business in the Town without a license required by this Article.

Secs. 6-14—65-15—5-30. - Reserved.

ARTICLE II - Business Licenses

Sec. 65-31. - Definitions.

~~Whenever in~~ For purposes of this Article, the words hereinafter defined or construed in this Section are used, they following terms shall, unless the context requires other uses, be deemed to, have the following meanings:

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(1) *Business* means any business, trade, occupation, profession, avocation or calling of any kind.

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~~(2) *Employees* means persons working for remuneration under the control and direction of an employer.~~

~~(3)(2) *Engaged in business* means to carry on or take a part in the operation of a business as owner, operator or agent within the geographical limits of the Town. (Prior code 3-2-1)~~

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Sec. 65-32. – Distribution of tax. – License required,

The Board of Trustees hereby finds, determines and declares that the relationship of the businesses and occupations being conducted in the Town to the municipal welfare and the expenditures of the Town requires a proper, just and equitable distribution of the tax burdens within the Town. After considering all matters in relation thereto, the tax imposed on each business herein defined is reasonable, proper, uniform, nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town. (Prior code 3-2-2)

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(a) Every person desiring to engage in business within the Town shall first obtain a business license from the Town except as otherwise provided herein.

(b) The license herein required. ~~Sec. 6-33. – Amount of tax.~~

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~~(a) There is hereby levied and assessed for the period of one (1) year, and for each calendar year thereafter, an occupation tax upon every business except as otherwise provided herein for a sum established by resolution of the Board of Trustees.~~

~~(b) Every person engaged in business within the Town shall be liable for this occupation tax except as otherwise provided herein.~~

~~(c) The tax herein provided shall not apply to the operation of any business exempt by federal or state law.~~

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~~(d) The tax herein provided is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce.~~

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~~(e) The tax herein provided shall not apply to newsboys. (Prior code 3-2-3; Ord. 10-1987 §II; Ord. 1999-02)~~

(c) Nonprofit corporations are ~~Sec. 6-34. – Exemption from tax.~~

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~~An employee is declared to be exempt from the tax herein provided. (Prior code 3-2-4)~~

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license requirements and fees set forth in this Article subject to approval by ~~Sec. 6-35. – Payment of tax.~~

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~~(a) Such tax shall be due and payable to the Town Treasurer on January 2 of each year. The tax, if not paid as herein provided, shall become delinquent on March 1 of the same year. For all persons engaged in business for a period of less than a year, the tax shall be due and payable prior to the time the person engages in business.~~

~~(b) Upon receipt of the tax, it shall be the duty of the Town Clerk following proof of current nonprofit status.~~

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Sec. 5-33. – Business license fee.

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The fee required to execute obtain a business license under this Article shall be set by resolution of the Board of Trustees and included on the Town's fee schedule.

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Sec. deliver 5-34. – Term of License.

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Licenses shall expire on December 31st of each year. To renew a license, Licensees shall apply to the operator of the business paying the tax a revenue receipt, showing Town on forms provided by the Town no later than November 1st of each year.

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Sec. name of the 5-35. – Separate license for each location.

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Any person paying the tax, the date of payment, the operating, conducting or carrying on any business paying the tax, the period for which said tax is paid and the place at which the person conducts his or her within the City must obtain a separate license for each location of such business. (Prior code 3-2-5)

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and a separate license for each business operated at the same location under a separate Federal Employer I.D. number or Social Security number.

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Sec. 6-36. – Classification.

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Every person doing business in more than one (1) store, stand or other place of business shall pay a separate tax for each place of business, unless such places of business are contiguous to each other, communicate directly with and open to each other and are operated as a unit. The business may be transferred from one (1) location to another without payment of additional tax. (Prior code 3-2-6)

5-36. Sec. 6-37. – Unlawful procedure.

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It shall be unlawful for any person or his or her their agent to engage in or carry on a business in the Town for which an occupational tax a business license is required without first having paid the tax required business licensing fee and obtained a revenue receipt as obtaining the license required herein provided. For the purpose of this Article, the opening of a place of business or offering to sell followed by a single sale or the doing of any act or thing in the furtherance of the business shall be construed to be engaging in carrying on such business. (Prior code 3-2-7)

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Sec. 6-38. – Legal right of Town.

The Town shall have the right to recover all sums due by the terms of this Article by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedy shall be cumulative with all other remedies provided herein for the enforcement of this Article. (Prior code 3-2-8)

Sec. 6-39. – Violations.

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Failure to comply with the terms of this Article by payment of taxes and to otherwise comply with the terms of this Article shall constitute a violation of this Article. (Prior code 3-2-9)

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Secs. 6-40 – 6-53 – 5-50. - Reserved.

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ARTICLE III - Alcoholic Beverages

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Sec. 65-51. – State codes – Licensing authority.

The Board of Trustees is hereby designated the Local Licensing Authority ("Authority") for purposes of exercising the duties and powers provided in the Colorado Liquor Code (C.R.S. § 44-3-101, *et seq.*), the Colorado Beer Code (C.R.S. § 44-4-103, *et seq.*), and issuance of special event liquor permits pursuant to C.R.S. § 44-5-101, *et seq.*

Sec. 5-52. – General provisions.

The provisions of the Colorado Liquor Code (C.R.S. § 44-3-101, *et seq.*), the Colorado Beer Code (C.R.S. § 44-4-103, *et seq.*), and issuance of special event liquor permits pursuant to C.R.S. § 44-5-101, *et seq.*, together with rules and regulations of the Colorado Department of Revenue, Liquor Enforcement Division, which are applicable to local liquor license authorities and local liquor license applicants, are hereby adopted as part of this Article and are incorporated herein by reference, except to the extent of any inconsistency with the other provisions of this Article. Nothing herein shall be construed to alter or amend powers to condition, suspend or revoke a license.

Sec. In all cases, State Liquor and Beer Code provisions rule. (Ord. 3-1989 §1)

5-53. ~~Sec. 6-52.~~ – License required.

It is unlawful for any person to engage in the business of selling alcoholic beverages within the Town without first securing an annual liquor license from the Town and from the State. (~~Ord. 3-1989 §2~~)

A violation of this Article is punishable by a fine not exceeding four hundred and ninety-nine dollars (\$499.00). Each day of violation shall constitute a separate offense.

Sec. 6-535-54. - License fees.

In addition to those fees required by the State, fees payable to the Town shall be as established by resolution of the Board of Trustees, as nonrefundable application fees. (~~Ord. 3-1989 §3; Ord. 92-04 §1~~)

Sec. 6-545-55. - Restaurant license required.

It is unlawful for any person to engage in the business of selling alcoholic beverages within the Town without first securing an annual restaurant license as provided in ~~Article V of this Chapter~~, unless exempt under the provisions ~~of said Article~~. (~~Ord. 3-1989 §4~~)
thereof.

Sec. 6-555-56. - Fine in lieu of suspension.

If so requested by a ~~retail~~ licensee convicted of a violation of the State Liquor or Beer Code and sentenced to a license suspension for a period of fourteen (14) days or less, the Town may agree to accept payment of a fine to be determined by the Board of Trustees in lieu of said suspension. Said fines collected by the Town are to be credited to the General Fund of the Town. (~~Ord. 3-1989 §5~~)

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~~Secs. 6-56—6-100~~~~5-57—5-70~~, - Reserved.

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ARTICLE IV - Mobile Food Vendors and Peddlers⁽¹⁾

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Footnotes:

— (1) —

Editor's note— Ord. No. 2018-02, § 1, adopted June 5, 2018, repealed the former Art. IV, §§ 6-101—6-109, and enacted a new Art. IV as set out herein. The former Art. IV pertained to peddlers and solicitors and derived from Prior code 7-2-1—7-2-7; Ord. 92-04 § 1.

Sec. ~~6-101~~5-71. - Mobile food vendors and peddlers licensed.

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It shall be unlawful for any mobile food vendor or peddler as defined herein to engage in such business within the corporate limits of the Town without first obtaining a license therefor in compliance with this Code.

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Sec. ~~6-102~~5-72. - Definitions.

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Whenever used in ~~For purposes of~~ this Article, the words hereinafter defined following terms shall, unless the context requires other uses, be deemed to have the following meanings:

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(1) *Mobile food vendor* means a retail food establishment, designed and equipped to prepare or serve food for immediate consumption, which is readily movable, typically as a motorized or towed vehicle. The term mobile food vendor includes food trucks serving prepared meals, but does not include food delivery vehicles delivering food supplies to restaurants, hotels, businesses, or residences (such as grocery delivery vehicles, pizza delivery, or restaurant food and supply delivery).

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(2) *Peddler* means any person, whether a resident of the Town or not, who sells and delivers or offers for sale to consumers any goods, wares, merchandise, fruits, vegetables or country produce, traveling from place to place, from house to house or from street to street, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot, by vehicle or any other type of conveyance, regardless of whether the items are for immediate or future delivery, or whether payment shall be immediate or in the future. The term peddler includes door-to-door sales people, but does not include individuals not engaging in commercial activity.

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Sec. ~~6-103~~5-73. - Application for a license.

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(a) ~~Applicants for a peddler's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin his or her their business a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:~~

- (1) ~~Name and description of the applicant;~~
- (2) ~~The permanent home address and full local address of the applicant;~~
- (3) ~~A brief description of the nature of the business and goods shown for sale or for future delivery;~~
- (4) ~~If employed, the name, address and phone number of the employer, together with credentials establishing the exact relationship between the employer and employee;~~
- (5) ~~The length of time for which the right to do business is desired; and~~
- (6) ~~Two (2) identical photographs of the applicant which reasonably identify the applicant; such photographs to measure two (2) inches by two (2) inches.~~

(b) Applicants for a mobile food vendor's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin operation in the Town a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the mobile food vendor;
- (2) The local address for the mobile food vendor applicant;
- (3) The length of time for which the right to do business is desired;
- (4) Proposed location and hours of operation for the mobile food vendor;
- (5) Proof of permission to operate on the proposed site, or if the applicant seeks to operate on Town property a concurrent application for permission pursuant to **Section 6-405** of this Code;
- (6) A proposed refuse control plan, including a wastewater disposal plan; and
- (7) Proof of compliance with all applicable state regulations and health department licensing.

(Ord. No. 2018-02, § 1, 6-5-2018)

Sec. 6-1045-74. - Investigation and issuance of license.

(a) For peddler applications, the following procedure shall be followed:

- (1) Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and whether such application is truly for a legitimate business purpose and whether, considering all circumstances, the granting of the license will not threaten the health, safety and welfare of the Town.

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(2) If, as a result of such investigation, it is discovered that the applicant is not intending to use the license for a legitimate business purpose or the granting of the license will threaten the health, safety and welfare of the Town, then the Town Clerk shall notify the applicant of the disapproval of such application and that no license will be issued thereunder, giving the reasons therefor.

(3) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to carry on such business within the corporate limits of the Town for a period, not exceeding thirty (30) days, except as hereinafter set forth.

(4) The license so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof and a two (2) inch by two (2) inch photograph of the applicant.

(b) For mobile vending applications, the following procedure shall be followed:

(1) The Town Clerk shall investigate and determine whether the requirements for mobile food vendors set forth in this Article have been met and whether issuance of the license will jeopardize the health, safety and welfare of the Town. In making such a determination, the Town Clerk shall consider the following criteria:

1. Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;
2. The applicant has failed to complete the application after having been notified of any additional information or documents required;
3. The location, size, or nature of the mobile food vending will create undue vehicular or pedestrian traffic congestion;
4. The location, size, or nature of the mobile food vending is incompatible with the neighborhood due to noise, hours, odors, or other impacts;
5. The applicant has failed to pay costs, fees or deposits for any previous special event or demonstration permit; and
6. The applicant has failed to abide by the terms or conditions of any previous special event or demonstration permit.

(2) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to operate a mobile vending operation within the corporate limits of the Town for a period of time, not exceeding one (1) year, subject to annual renewal.

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Sec. ~~6-105~~5-75. - Mobile food vendors operating on Town property.

(a) If a mobile food vendor desires to operate on Town property, the application shall be submitted to the Board of Trustees for consideration. In determining whether to grant the requested license, the Board, at its next available meeting, shall consider the following criteria in addition to the criteria set forth in **Section 6-404.572(b)(1):** ~~for this Code.~~

1. Whether the mobile food vending operation can operate on Town property without interfering with other uses of such property.
2. Whether mobile food vending is compatible with the nature and purpose of the subject Town property.

(b) The Board of Trustees may deny, approve, or approve with conditions that are necessary to mitigate the negative impacts of the mobile food vending operation.

(c) No mobile food vendor may operate on property owned or controlled by the Town for more than three hundred sixty-five (365) days in any calendar year.

(Ord. No. 2018-02, § 1, 6-5-2018)

Sec. ~~6-106~~5-76. - License fee.

The license fee, which shall be charged in advance by the Town Clerk, shall be established by resolution of the Board of Trustees.

(Ord. No. 2018-02, § 1, 6-5-2018)

Sec. ~~6-107~~5-77. - Suspension/revocation of license.

(a) Licenses issued hereunder may be suspended or revoked by the Board of Trustees, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Any violation of this Code;
- (3) For peddlers, fraud, misrepresentation or false statement made while carrying on ~~his or her~~their business or conviction of any crime or misdemeanor involving moral turpitude; or
- (4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a threat to the health, safety or general welfare of the public.

(b) Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at ~~his or her~~their local address as set forth in the application at least five (5) days prior to the date set for the hearing.

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(c) Whether to suspend or revoke a license shall be determined by the Board of Trustees depending on the nature and severity of the violation, whether the licensee has had previous violations, and other similar factors.

~~(Ord. No. 2018-02, § 1, 6-5-2018)~~

Sec. 6-1085-78. - Appeal.

Any person aggrieved by the action of the Police or the Town Clerk in the denial, suspension, or revocation of the same shall have the right to appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and a place for the hearing and shall give notice to the appellant in the same manner as provided in ~~Section 6-407(b), 6-77(b) of this Code.~~ The decision of the Board of Trustees shall be final and conclusive, except as provided by the laws of the State.

~~(Ord. No. 2018-02, § 1, 6-5-2018)~~

Sec. 6-1095-79. - Expiration of license.

All licenses issued under the provisions of this Article shall expire on the dates set forth thereon.

~~(Ord. No. 2018-02, § 1, 6-5-2018)~~

Secs. 6-110-6-1205-80-5-90. - Reserved.

ARTICLE V - Restaurants

Sec. 6-1245-91. - Definitions.

For the purposes of this Article, the following words ~~set out in this Section~~ shall have the following meanings:

(1) ~~Nonperishable food or drink~~ means any food or drink which, when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms which cause food infections or food intoxication.

(2) ~~Person~~ means a natural person, partnership, association, company, corporation or organization or manager, agent, servant, officer or employee of any of them.

(3) ~~Restaurant business~~ means any place which is kept or maintained for the purpose of preparing or serving food or drink, except that restaurant business does not include:

- a. Homes containing what is commonly known as the family unit, including guests.

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b.— Automated food merchandising enterprises which supply only bottled, canned, cartoned or prepackaged nonperishable food or drink and those operations dispensing only chewing gum, salted nuts, nuts in their natural protective covering or packaged candies;

c.— Grocery stores and similar establishments where food is not prepared or sold routinely for immediate consumption; or

d.— Food or beverage manufacturing, processing or packaging plants which are not categorized as restaurant businesses, but are subject to regulatory controls under other local, state or federal laws or regulation. (Ord. 4-1989 §4)

Sec. 6-1225-92. - License required; fee.

It is unlawful for any person to engage in ~~the~~any restaurant business without first securing an annual restaurant license and paying a license fee as established by resolution of the Board of Trustees. This fee is payable at the time of the liquor license approval ~~and~~or issuance of a business license. (Ord. 4-1989 §2; Ord. 92-04 §1)

A violation of this Article is punishable by a fine not exceeding four hundred and ninety-nine dollars (\$499.00). Each day of violation shall constitute a separate offense.

Sec. 6-1235-93. - License issuance.

All applicants must comply with the business ~~license~~licensing requirements of the Town in addition to the provisions of this Article. (Ord. 4-1989 §3)

Sec. 6-1245-94. - Inspections.

All applications for a restaurant license or renewal shall be accompanied by a current inspection report from the County Health Department indicating approval or disapproval by the County Health Inspector. (Ord. 4-1989 §4)

Secs. 6-125—6-1405-95—5-110. - Reserved.

ARTICLE VI —~~Medical—~~ Regulated Marijuana Business Prohibition

Sec. 6-1415-111. - Definitions.

The following words, terms and phrases, when used in For purposes of this Article, the following terms shall have the following meanings unless the context clearly indicates otherwise:

Colorado Marijuana Code means Chapter 10 of Title 44, Colorado Revised Statutes, as may be amended from time to time.

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Marijuana means all parts of the plant of the genus Cannabis 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, including marijuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Medical marijuana means marijuana that is grown and sold for a purpose authorized by section 14 of article XVIII of the Colorado Constitution.

Medical marijuana center, business means any entity requiring a license pursuant to the Colorado Marijuana Code, including without limitation a ~~medical marijuana-infused~~ store, a medical marijuana cultivation facility, a medical marijuana ~~products manufacturer and optional premises cultivation operation~~ shall have the same meanings as set forth in the Colorado-, a medical marijuana testing facility, a marijuana research and development licensee, a medical marijuana business operator, or a medical marijuana transporter.

Medical Marijuana Code, Title 12, Article 43.3, C.R.S. marijuana product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

Patient and primary caregiver shall have the same meanings as set forth in Article XVIII, Section 14(1) of the Colorado Constitution. (~~Ord. 02-2011 §1~~)

Regulated marijuana means medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products, and includes without limitation any marijuana concentrate.

Regulated marijuana business means any entity requiring a license pursuant to the Colorado Marijuana Code to engage in the cultivation, consumption, or sale of regulated marijuana, including without limitation any retail marijuana business or medical marijuana business.

Retail marijuana means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana business.

Retail marijuana business means any entity requiring a license pursuant to the Colorado Marijuana Code, including without limitation a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter.

Retail marijuana product means a product infused with retail marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

Sec. 6-1425-112, - Findings.

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(a) ~~— The Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., clarifies state law regarding the scope and extent of Article XVIII, Section 14 and Article XVIII, Section 16 of the Colorado Constitution.~~

(b) ~~— This Article is necessary to protect and is enacted in furtherance of the public health, safety and welfare of the Town.~~

(c) This Article is intended to apply and shall apply to all property, businesses and business enterprises operating within the Town, whether stationary, mobile or virtual. ~~(Ord. 02-2011 §1)~~

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Sec. 5-113. - Purpose.

~~The purpose of this Article is to promote the general public welfare and safety throughout the Town of Green Mountain Falls, Colorado by prohibiting the operation of regulated marijuana businesses to protect the health, safety and welfare of the citizens of the Town of Green Mountain Falls.~~

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Sec. 6-143. - Uses5-114. - Regulated marijuana businesses prohibited.****

~~It is unlawful for any person to establish, operate, cause to be operated or permit to be operated a regulated marijuana business in the Town. The operation, ownership, establishment or conduct of a regulated marijuana business is unlawful and prohibited within the Town of Green Mountain Falls, Colorado.~~

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Sec. 5-115. - Patients and primary caregivers.

~~Nothing in this Article shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in Article XVIII, Section 14 of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and rules promulgated thereunder.~~

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~~**Sec.** medical-marijuana-center, an optional premises cultivation operation or a medical-marijuana-infused products manufacturer facility in the Town. (Ord. 02-2011 §1)~~

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5-116Sec. 6-144. - Penalty.

~~It is unlawful for any person to violate any of the provisions of this Article. Any such violation is hereby designated a criminal offense, and any person found guilty of violating the provisions of this Article shall, upon conviction thereof, be punished by a fine pursuant to Section 1-72 of this Code. (Ord. 02-2011 §1)~~

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ARTICLE VII – [Marijuana Establishment Operations]

Sec. 6-145. - Purpose.

~~The purpose of this ordinance is to promote the general public welfare and safety throughout the Town of Green Mountain Falls, Colorado by prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores, in part because Amendment 53 conflicts with Federal law, and to protect the health, safety and welfare of the citizens of the Town of Green Mountain Falls.~~

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(Ord. No. 01-2013, § I, 7-16-2013)

~~Sec. 6-146. Definitions.~~

Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution. These definitions include, but are not limited to the following:

- (1) ~~Marijuana or marihuana means all parts of the plant of the genus cannabis 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, including marihuana concentrate. "Marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.~~
- (2) ~~Marijuana accessories means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.~~
- (3) ~~Marijuana cultivation facility means an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.~~
- (4) ~~Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.~~
- (5) ~~Marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.~~
- (6) ~~Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use and consumption, such as, but not limited to, edible products, ointments, and tinctures.~~
- (7) ~~Marijuana testing facility means an entity licensed to analyze and certify the safety and potency of marijuana.~~
- (8) ~~Medical marijuana center means an entity licensed by a State agency to sell marijuana and marijuana products pursuant to Section 14 of this Article and the Colorado Medical Marijuana Code.~~
- (9) ~~Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.~~

(Ord. No. 01-2013, § I, 7-16-2013)

~~Sec. 6-147. Violation.~~

The operation, ownership, establishment or conduct of marijuana cultivation facilities, marijuana establishments, marijuana product manufacturing facilities, marijuana products facilities, marijuana testing facilities and retail marijuana stores thereof is unlawful and prohibited within the Town of Green Mountain Falls, Colorado.

(Ord. No. 01-2013, § I, 7-16-2013)

Sec. 6-148. - Penalty.

It is unlawful for any person to violate any of the provisions of Article VI. Any such violation is hereby designed a criminal offense, and any person found guilty of violating the provisions of this Article VI shall, upon conviction thereof, be punished by a fine pursuant to Chapter 1, Article IV, Section 1-72, 2 of this Code. In addition to other remedies available to the Town, the Town may commence an action to enjoin the alleged violation of any provision of this Article, or to authorize and compel the removal, termination or abatement of such violation.

(Ord. No. 01-2013, § I, 7-16-2013)

Secs. 5-117—5-130. - Reserved.

ARTICLE VII - LICENSING OF SHORT-TERM RENTALS⁽²⁾

Footnotes:

—(2)—

Editor's note— Ord. No. 2018-04, § 1, adopted July 17, 2018, repealed the former Art. VIII, §§ 6-149—6-161, and enacted a new Art. VIII as set out herein. The former Art. VIII pertained to similar subject matter and derived from Ord. No. 04-2017, § 1, adopted Sept. 27, 2017.

Sec. 6-149⁵-131. - Purpose and scope.

The purpose of this Article is to establish comprehensive licensing provisions for whole residential dwelling units made available for rent for a period of time less than thirty (30) days in duration to ensure minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of residential dwellings available for rent. This Article does not apply to the furnishing of lodging services in hotels, motels, or lodges.

(Ord. No. 2018-04, § 1, 7-17-2018)

Sec. 6-150⁵-132. - Applicability.

All owners of residences within residential zone districts, including but not limited to R-1 and R-2 Districts who rent or lease their entire property for a period of time less than thirty (30) days shall comply in full with all terms and conditions contained in this Article. Nothing in this Article shall require an owner to apply for a special use permit under Section 16-710 of the Green Mountain Falls Municipal Code.

(Ord. No. 2018-04, § 1, 7-17-2018)

Sec. 6-151⁵-133. - Definitions.

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For purposes of this Article, the following terms shall have the following meanings:

Owner means the record owner of a residential dwelling unit or an authorized agent or designee thereof.

Rent or lease means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of ~~his~~their property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Short-term rental means the renting or leasing of an entire residential structure for monetary consideration for a period of time less than thirty (30) consecutive days, not including a bed and breakfast, residency unit, boarding or rooming house, or hotel. The definition does not include offering use of one's property to another where no fee is charged or collected.

Town Manager means the appointed administrative official of the Town government, or, in the event of a vacancy, ~~his or her~~their designee, whose duties and responsibilities shall conform to the requirements of ~~Section 2-81 of the Green Mountain Falls Municipal Code.~~

~~(Ord. No. 2018-04, § 1, 7-17-2018)~~

Sec. 6-1525-134, - License required.

No owner shall allow any person to rent or lease, sublease or occupy any short-term rental as a tenant, renter, lessee, sublessee or otherwise, unless the owner has been issued a valid rental property license by the Town. Licenses are permitted in any zone district in the Town where residential occupancy is permitted, provided however, that no commercial space shall be used for a short-term rental. The short-term rental license must be renewed annually for every premises used as a short-term rental. A short-term rental license may be denied or revoked if the owner is not in compliance with the terms and conditions of license or any other applicable laws.

~~(Ord. No. 2018-04, § 1, 7-17-2018)~~

Sec. 6-1535-135, - Taxes.

All owners of short-term rentals are required to collect and remit sales and other applicable taxes. Evidence of issuance of a state sales tax license number is required as a condition of the Town Manager's consideration of a short-term rental license application.

~~(Ord. No. 2018-04, § 1, 7-17-2018)~~

Sec. 6-1545-136, - Business license required.

All owners of short-term rentals are required to possess a current Town business license for each short-term rental property. The business license must be renewed annually. Business license requirements under this Section shall conform to the requirements of ~~Article II of this Chapter.~~

~~(Ord. No. 2018-04, § 1, 7-17-2018)~~

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Sec. ~~6-155~~5-137. - License application; procedure; appeals.

(a) All owners of short-term rentals must obtain a short-term rental license . Conducting a short-term rental without a valid license is a violation of this ~~Chapter 6~~Article. A license application shall be provided by the Town, and an applicant shall provide the following information:

- (1) Owner name, permanent address, and property address;
- (2) Maximum occupancy of rental guests;
- (3) Owner representative and contact information;
- (4) Parking plan for guests indicating the manner in which the maximum permitted number of cars shall be parked so as to avoid any conflicts with neighboring properties or public right-of-way;
- (5) Evidence of property and liability insurance;
- (6) Proof of a valid business license;
- (7) Proof of a valid sales tax license number;
- (8) Proof of possession of the licensed premises; or
- (9) If the applicant does not own the property where the licensed premises is located, the applicant must provide written documentation from the property owner allowing short-term rentals on the licensed premises; and
- (10) The license application fee set by the Board of Trustees.
- (11) Other documents as required by the Town on its application form.

(b) Licenses are valid until December 31st of each year. The application fee shall be prorated on a monthly basis for any application filed for a license period commencing after January 1st Subject to the requirements of this Article, licenses may be revoked or renewed.

(c) Before issuing a short-term rental license, the applicant shall notify the Town Marshal and all owners of real property within one hundred fifty (150) feet of the proposed short-term rental property who shall be provided an opportunity to make comment on or object to the issuance of the license. The notice shall contain the property location, notice that the full application that may be copied and reviewed at the Town Hall, and notice that comments must be received within fifteen (15) days from the date on which the notice is given. The notice shall be posted on the property and at the Town Hall, and mailed at the applicant's expense.

(d) The Town Manager, after reviewing the license application and any public comments or objection shall approve, approve with conditions, renew, renew with conditions, deny, or revoke the short-term rental license. The Town Manager shall issue the decision within thirty (30) days after receiving a complete application and shall report all decisions at the next regular meeting of the Board of Trustees. A standard condition of approval shall be that the license, as issued, is temporary and conditional until the appeal period, as described in (e) below, has passed, or until any such appeal has been decided, whichever is later.

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(e) — Either the applicant or a property owner within one hundred fifty (150) feet of the proposed short-term rental property may appeal the Town Manager's decision to issue, issue with conditions, renew, renew with conditions, revoke, or deny a short-term rental license. Such appeal shall be filed with the Town Clerk in writing within fifteen (15) days of the decision being reported to the Town Board and shall be heard by the Board of Trustees. The Board of Trustees shall promptly hear and decide all appeals. The decision of the Town Manager (if not timely appealed) or the Board of Trustees (if appealed), is the final decision of the Town for purposes of judicial review.

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(f) — ~~Reserved.~~

(g) — All permitted short-term rentals are subject to inspection under ~~Section 6-10 of this Chapter~~. Licenses may be revoked or not renewed by the Town Manager if license conditions and requirements are not met or if more than three (3) violations of license conditions or the requirements of this Chapter are found within any one (1) license year.

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(h) — ~~g~~ A short-term rental license is non-transferable and may be used only for the property for which it is issued. A short-term rental license is not transferrable upon the sale of the property.

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(Ord. No. 2018-04, § 1, 7-17-2018; Ord. No. 2019-08, § 1, 12-3-2019)

Sec. 6-1565-138, - Limitations; renewal.

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(a) — An owner shall file with the Town a written application for a short-term rental license at least sixty (60) days prior to rental of the property. For a property owner operating a short-term rental under a prior Town approval, the property owner shall file a written application for a new license under this Article within sixty (60) days of the ordinance's effective date.

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(b) — The Town shall issue no more than sixty (60) short-term rental licenses. When the cap is reached, new license applications will be considered in order of the date received.

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(c) — Licenses shall expire on December 31st of each year. To renew a license, Licensees shall apply to the Town on forms provided by the Town no later than November 1st of each year.

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(d) — In considering issuance or renewal of a short-term rental license, the Town Manager or the Town Board, as appropriate, shall consider any conviction for a municipal code violation within the past year related to the property to be licensed.

(Ord. No. 2018-04, § 1, 7-17-2018; Ord. No. 2019-08, § 2, 12-3-2019)

Sec. 6-1575-139, - Local agent required.

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When the owner of a short-term rental property is not a natural person domiciled within El Paso or Teller County, Colorado, the owner shall appoint a natural person who is domiciled within either El Paso or Teller County, Colorado, to serve as the local agent of the owner for service of any notices related to the property or its license. An owner shall notify the Town in writing of any change in the appointment of a local agent within seven (7) days of such change.

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(Ord. No. 2018-04, § 1, 7-17-2018)

Sec. 6-1585-140. - Fees.

(a) — Applicants for short-term rental licenses, or the renewal thereof, shall pay the fee as set by resolution of the Board of Trustees at the time of submitting an application.

(b) — A person wishing to appeal a decision of the Town Manager under this Article shall do so in writing to the Town Clerk and shall be the fee as set by resolution of the Town Board.

(Ord. No. 2018-04, § 1, 7-17-2018)

Sec. 6-1595-141. - Posting requirements.

(a) — An owner shall post the license, or a true copy thereof, conspicuously within the rental property for which such license has been issued.

(b) — An owner shall display its license number on the face of any advertisement. For purposes of this Section, the term "advertisement" means the act of drawing the public's attention to a short-term rental in order to promote the availability of the short-term rental.

(Ord. No. 2018-04, § 1, 7-17-2018)

Sec. 6-1605-142. - Safety requirements.

Each short-term rental shall comply at all times with all applicable building codes, standards and regulations.

(Ord. No. 2018-04, § 1, 7-17-2018)

Sec. 6-1615-143. - Enforcement.

(a) — It is unlawful to violate any provision this Article.

(b) — The Town may enforce the requirements of this Article by any or all of the following:

(1) — The Town Manager shall issue a warning letter to persons conducting a short-term rental without a license.

(2) — The Town Manager may revoke or refuse to renew a short-term rental license for any reason provided in this Article and may prohibit an owner from re-applying for a short-term rental license for one (1) year following revocation or non-renewal.

(3) — Persons found of violating any provision of this Article shall be punished in Municipal Court as hereinafter provided ~~or, if not hereinafter provided, in accordance with the provisions of Sections 2-136 and 1-72 of this Code;~~ provided, that each separate act in violation of this Article, and 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.

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1.— The Municipal Court may impose a civil penalty according to a schedule adopted by Resolution of the Board of Trustees—, not to exceed four hundred and ninety-nine dollars (\$499.00) per violation. Each day of violation shall constitute a separate offense;

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2.— The Municipal Court may suspend a portion of the fine if the Court finds mitigating circumstances.

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(4)— Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

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~~(Ord. No. 2018-04, § 1, 7-17-2018)~~

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CHAPTER 5 - Business Licenses and Regulations

ARTICLE I - Licensing Generally

Sec. 5-1. - Applications.

Applications for all licenses and permits required by any provision of this Code shall be made in writing to the Town Clerk in the absence of a specific provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid, and each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for.

Sec. 5-2. - Persons subject to license.

Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment, for doing business or for engaging in any activity or occupation, any person or corporation shall be subject to the requirement if, by their self or through an agent, employee or partner, the applicant holds themselves forth as being engaged in the business or occupation, solicits patronage therefor, actively or passively or performs or attempts to perform any part of such business or occupation in the Town.

Sec. 5-3. - Forms.

Forms for all licenses and permits and applications therefor shall be prepared and kept on file by the Town Clerk.

Sec. 5-4. - Signatures.

Each license or permit issued shall bear the signature of the Town Clerk, in the absence of any specific provision to the contrary. Such license or permit shall be in substantially the following form:

No. _____ State of Colorado

By Authority of
The Town of
GREEN MOUNTAIN FALLS

LICENSE

PERMISSION IS HEREBY GIVEN TO _____ TO MAINTAIN AND CARRY ON THE FOLLOWING DESCRIBED BUSINESS OF _____ FOR THE TERM OF ____ MONTHS, BEING FROM THE ____ DAY OF _____ A.D., 20__, TO THE ____ DAY OF _____ A.D., 20__, BOTH DAYS INCLUSIVE.

IN TESTIMONY WHEREOF THE SIGNATURE OF THE TOWN CLERK IS HEREUNTO AFFIXED THIS ____ DAY OF _____ A.D., 20__.

TOWN CLERK

Sec. 5-5. - Investigations.

Upon the receipt of an application for a license or permit where any provision of this Code necessitates an inspection or investigation before the issuance of such permit or license, the Town Clerk shall refer such applications to the proper officer, board or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, board or commission charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The County Health Inspector shall make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food, the prevention of nuisances and the spread of disease, for the protection of health; the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise specifically provided, shall be made by the Town Marshal or by another officer designated by the Town Manager.

Sec. 5-6. - Fees.

All fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Town Clerk. Except as otherwise provided, all license fees shall become a part of the General Fund.

Sec. 5-7. - Termination of licenses; renewal.

In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the Town's fiscal year. Unless specifically stated otherwise, all annual licenses may be renewed upon payment of the annual license fee to the Town Clerk without further examination or investigation. The Board of Trustees reserves the right to deny any license renewal when it is deemed by a majority vote of the Board of Trustees that said license would endanger the health, safety and welfare of the Town.

Sec. 5-8. - Building and premises.

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of this Code. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of **Chapter 16** of this Code.

Sec. 5-9. - Change of location.

The location of any licensed business or occupation or of any permitted act may be changed; provided that ten (10) days' notice thereof is given to the Town Clerk in the absence of any provision to the contrary; further provided that the building requirements of this Code are complied with.

Sec. 5-10. - Inspections.

(a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this Code or are reasonably necessary to secure compliance with any provision of this Code or to detect violations thereof, it

shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested, and it shall be unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or to detect violations thereof, it shall be the duty of the licensee whose business is governed by such provision to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request, and it shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.

(c) Conviction of a violation of any provision of this Article shall automatically forfeit and revoke any license issued under this Chapter; provided that there shall be no violation of this Article unless written demand is made upon the licensee or person in charge of the premises, in the name of the Town, stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample.

Sec. 5-11. - Revocation.

The Board of Trustees may, upon seven (7) days' written notice to a licensee stating the contemplated action and in general the grounds therefor and after a reasonable opportunity to be heard, revoke any license issued by the Town if it finds that:

- (1) The licensee has failed to pay the annual license fee;
- (2) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license;
- (3) The licensee has violated any of the terms of the provisions pertaining to their license or any regulation or order lawfully made relating thereto; or existing at the time of the application for such license, would have warranted the refusal of the issuance of such license; or
- (4) The licensee is in violation of any part of this Code.

Sec. 5-12. - Return of fees.

Upon refusal of any license, the fee therefor paid in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefor shall be and remain the monies of the Town and no refund shall be made to any licensee.

Sec. 5-13. - Posting license.

It shall be the duty of any person conducting a licensed business in the Town to keep their license posted in a prominent place on the premises used for such business at all times.

Sec. 5-14. – Violation.

It is unlawful for any person to violate any part of this Article. A violation of this Article is punishable by a fine not exceeding four hundred and ninety-nine dollars (\$499.00). Each day of violation shall constitute a separate offense. In addition to any other available penalties, the Town may enjoin a person from engaging in business in the Town without a license required by this Article.

Secs. 5-15—5-30. - Reserved.

ARTICLE II - Business Licenses

Sec. 5-31. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

- (1) *Business* means any business, trade, occupation, profession, avocation or calling of any kind.
- (2) *Engaged in business* means to carry on or take a part in the operation of a business as owner, operator or agent within the geographical limits of the Town.

Sec. 5-32. – License required.

- (a) Every person desiring to engage in business within the Town shall first obtain a business license from the Town except as otherwise provided herein.
- (b) The license herein required shall not apply to the operation of any business exempt by federal or state law.
- (c) Nonprofit corporations are exempt from the license requirements and fees set forth in this Article subject to approval by the Town Clerk following proof of current nonprofit status.

Sec. 5-33. – Business license fee.

The fee required to obtain a business license under this Article shall be set by resolution of the Board of Trustees and included on the Town's fee schedule.

Sec. 5-34. – Term of License.

Licenses shall expire on December 31st of each year. To renew a license, Licensees shall apply to the Town on forms provided by the Town no later than November 1st of each year.

Sec. 5-35. – Separate license for each location.

Any person operating, conducting or carrying on any business within the City must obtain a separate license for each location of such business and a separate license for each business operated at the same location under a separate Federal Employer I.D. number or Social Security number.

Sec. 5-36. - Unlawful procedure.

It shall be unlawful for any person or their agent to engage in or carry on a business in the Town for which a business license is required without first having paid the required business licensing

fee and obtaining the license required herein. For the purpose of this Article, the opening of a place of business or offering to sell followed by a single sale or the doing of any act or thing in the furtherance of the business shall be construed to be engaging in carrying on such business.

Secs. 5-37—5-50. - Reserved.

ARTICLE III - Alcoholic Beverages

Sec. 5-51. – Licensing authority.

The Board of Trustees is hereby designated the Local Licensing Authority ("Authority") for purposes of exercising the duties and powers provided in the Colorado Liquor Code (C.R.S. § 44-3-101, *et seq.*), the Colorado Beer Code (C.R.S. § 44-4-103, *et seq.*), and issuance of special event liquor permits pursuant to C.R.S. § 44-5-101, *et seq.*

Sec. 5-52. – General provisions.

The provisions of the Colorado Liquor Code (C.R.S. § 44-3-101, *et seq.*), the Colorado Beer Code (C.R.S. § 44-4-103, *et seq.*), and issuance of special event liquor permits pursuant to C.R.S. § 44-5-101, *et seq.*, together with rules and regulations of the Colorado Department of Revenue, Liquor Enforcement Division, which are applicable to local liquor license authorities and local liquor license applicants, are hereby adopted as part of this Article and are incorporated herein by reference, except to the extent of any inconsistency with the other provisions of this Article. Nothing herein shall be construed to alter or amend powers to condition, suspend or revoke a license.

Sec. 5-53. - License required.

It is unlawful for any person to engage in the business of selling alcoholic beverages within the Town without first securing an annual liquor license from the Town and from the State. A violation of this Article is punishable by a fine not exceeding four hundred and ninety-nine dollars (\$499.00). Each day of violation shall constitute a separate offense.

Sec. 5-54. - License fees.

In addition to those fees required by the State, fees payable to the Town shall be as established by resolution of the Board of Trustees, as nonrefundable application fees.

Sec. 5-55. - Restaurant license required.

It is unlawful for any person to engage in the business of selling alcoholic beverages within the Town without first securing an annual restaurant license as provided in this Chapter, unless exempt under the provisions thereof.

Sec. 5-56. - Fine in lieu of suspension.

If so requested by a licensee convicted of a violation of the State Liquor or Beer Code and sentenced to a license suspension for a period of fourteen (14) days or less, the Town may agree to accept payment of a fine to be determined by the Board of Trustees in lieu of said suspension. Said fines collected by the Town are to be credited to the General Fund of the Town.

Secs. 5-57—5-70. - Reserved.

ARTICLE IV - Mobile Food Vendors and Peddlers

Sec. 5-71. - Mobile food vendors and peddlers licensed.

It shall be unlawful for any mobile food vendor or peddler as defined herein to engage in such business within the corporate limits of the Town without first obtaining a license therefor in compliance with this Code.

Sec. 5-72. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Mobile food vendor means a retail food establishment, designed and equipped to prepare or serve food for immediate consumption, which is readily movable, typically as a motorized or towed vehicle. The term mobile food vendor includes food trucks serving prepared meals, but does not include food delivery vehicles delivering food supplies to restaurants, hotels, businesses, or residences (such as grocery delivery vehicles, pizza delivery, or restaurant food and supply delivery).

Peddler means any person, whether a resident of the Town or not, who sells and delivers or offers for sale to consumers any goods, wares, merchandise, fruits, vegetables or country produce, traveling from place to place, from house to house or from street to street, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot, by vehicle or any other type of conveyance, regardless of whether the items are for immediate or future delivery, or whether payment shall be immediate or in the future. The term peddler includes door-to-door sales people, but does not include individuals not engaging in commercial activity.

Sec. 5-73. - Application for a license.

(a) Applicants for a peddler's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin their business a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) The permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (4) If employed, the name, address and phone number of the employer, together with credentials establishing the exact relationship between the employer and employee;
- (5) The length of time for which the right to do business is desired; and
- (6) Two (2) identical photographs of the applicant which reasonably identify the applicant; such photographs to measure two (2) inches by two (2) inches.

(b) Applicants for a mobile food vendor's license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin operation in the Town a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- (1) Name and description of the mobile food vendor;
- (2) The local address for the mobile food vendor applicant;
- (3) The length of time for which the right to do business is desired;
- (4) Proposed location and hours of operation for the mobile food vendor;
- (5) Proof of permission to operate on the proposed site, or if the applicant seeks to operate on Town property a concurrent application for permission pursuant to **Section 5-75** of this Code.
- (6) A proposed refuse control plan, including a wastewater disposal plan; and
- (7) Proof of compliance with all applicable state regulations and health department licensing.

Sec. 5-74. - Investigation and issuance of license.

(a) For peddler applications, the following procedure shall be followed:

- (1) Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and whether such application is truly for a legitimate business purpose and whether, considering all circumstances, the granting of the license will not threaten the health, safety and welfare of the Town.
- (2) If, as a result of such investigation, it is discovered that the applicant is not intending to use the license for a legitimate business purpose or the granting of the license will threaten the health, safety and welfare of the Town, then the Town Clerk shall notify the applicant of the disapproval of such application and that no license will be issued thereunder, giving the reasons therefor.
- (3) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to carry on such business within the corporate limits of the Town for a period, not exceeding thirty (30) days, except as hereinafter set forth.
- (4) The license so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof and a two (2) inch by two (2) inch photograph of the applicant.

(b) For mobile vending applications, the following procedure shall be followed:

(1) The Town Clerk shall investigate and determine whether the requirements for mobile food vendors set forth in this Article have been met and whether issuance of the license will jeopardize the health, safety and welfare of the Town. In making such a determination, the Town Clerk shall consider the following criteria:

1. Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;
2. The applicant has failed to complete the application after having been notified of any additional information or documents required;
3. The location, size, or nature of the mobile food vending will create undue vehicular or pedestrian traffic congestion;
4. The location, size, or nature of the mobile food vending is incompatible with the neighborhood due to noise, hours, odors, or other impacts;
5. The applicant has failed to pay costs, fees or deposits for any previous special event or demonstration permit; and
6. The applicant has failed to abide by the terms or conditions of any previous special event or demonstration permit.

(2) If, as a result of such investigation, the application is found to be satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license to operate a mobile vending operation within the corporate limits of the Town for a period of time, not exceeding one (1) year, subject to annual renewal.

Sec. 5-75. - Mobile food vendors operating on Town property.

(a) If a mobile food vendor desires to operate on Town property, the application shall be submitted to the Board of Trustees for consideration. In determining whether to grant the requested license, the Board, at its next available meeting, shall consider the following criteria in addition to the criteria set forth in **Section 5-74(b)(1) of this Code:**

1. Whether the mobile food vending operation can operate on Town property without interfering with other uses of such property.
2. Whether mobile food vending is compatible with the nature and purpose of the subject Town property.

(b) The Board of Trustees may deny, approve, or approve with conditions that are necessary to mitigate the negative impacts of the mobile food vending operation.

(c) No mobile food vendor may operate on property owned or controlled by the Town for more than three hundred sixty-five (365) days in any calendar year.

Sec. 5-76. - License fee.

The license fee, which shall be charged in advance by the Town Clerk, shall be established by resolution of the Board of Trustees.

Sec. 5-77. - Suspension/revocation of license.

(a) Licenses issued hereunder may be suspended or revoked by the Board of Trustees, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Any violation of this Code;
- (3) For peddlers, fraud, misrepresentation or false statement made while carrying on their business or conviction of any crime or misdemeanor involving moral turpitude; or
- (4) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a threat to the health, safety or general welfare of the public.

(b) Notice of the hearing for suspension or revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at their local address as set forth in the application at least five (5) days prior to the date set for the hearing.

(c) Whether to suspend or revoke a license shall be determined by the Board of Trustees depending on the nature and severity of the violation, whether the licensee has had previous violations, and other similar factors.

Sec. 5-78. - Appeal.

Any person aggrieved by the action of the Police or the Town Clerk in the denial, suspension, or revocation of the same shall have the right to appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and a place for the hearing and shall give notice to the appellant in the same manner as provided in **Section 5-77(b) of this Code**. The decision of the Board of Trustees shall be final and conclusive, except as provided by the laws of the State.

Sec. 5-79. - Expiration of license.

All licenses issued under the provisions of this Article shall expire on the dates set forth thereon.

Secs. 5-80—5-90. - Reserved.

ARTICLE V - Restaurants

Sec. 5-91. - Definitions.

For the purposes of this Article, the following words shall have the following meanings:

Nonperishable food or drink means any food or drink which, when stored under normal conditions without refrigeration, will not support the rapid and progressive growth of microorganisms which cause food infections or food intoxication.

Person means a natural person, partnership, association, company, corporation or organization or manager, agent, servant, officer or employee of any of them.

Restaurant business means any place which is kept or maintained for the purpose of preparing or serving food or drink, except that restaurant business does not include:

- a. Homes containing what is commonly known as the family unit, including guests.
- b. Automated food merchandising enterprises which supply only bottled, canned, cartoned or prepackaged nonperishable food or drink and those operations dispensing only chewing gum, salted nuts, nuts in their natural protective covering or packaged candies;
- c. Grocery stores and similar establishments where food is not prepared or sold routinely for immediate consumption; or
- d. Food or beverage manufacturing, processing or packaging plants which are not categorized as restaurant businesses, but are subject to regulatory controls under other local, state or federal laws or regulation.

Sec. 5-92. - License required; fee.

It is unlawful for any person to engage in any restaurant business without first securing an annual restaurant license and paying a license fee as established by resolution of the Board of Trustees. This fee is payable at the time of the liquor license approval or issuance of a business license. A violation of this Article is punishable by a fine not exceeding four hundred and ninety-nine dollars (\$499.00). Each day of violation shall constitute a separate offense.

Sec. 5-93. - License issuance.

All applicants must comply with the business licensing requirements of the Town in addition to the provisions of this Article.

Sec. 5-94. - Inspections.

All applications for a restaurant license or renewal shall be accompanied by a current inspection report from the County Health Department indicating approval or disapproval by the County Health Inspector.

Secs. 5-95—5-110. - Reserved.

ARTICLE VI – Regulated Marijuana Business Prohibition

Sec. 5-111. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Colorado Marijuana Code means Chapter 10 of Title 44, Colorado Revised Statutes, as may be amended from time to time.

Marijuana means all parts of the plant of the genus *Cannabis* 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, including marijuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Medical marijuana means marijuana that is grown and sold for a purpose authorized by section 14 of article XVIII of the Colorado Constitution.

Medical marijuana business means any entity requiring a license pursuant to the Colorado Marijuana Code, including without limitation a medical marijuana store, a medical marijuana cultivation facility, a medical marijuana products manufacturer, a medical marijuana testing facility, a marijuana research and development licensee, a medical marijuana business operator, or a medical marijuana transporter.

Medical marijuana product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

Patient and *primary caregiver* shall have the same meanings as set forth in Article XVIII, Section 14(1) of the Colorado Constitution.

Regulated marijuana means medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products, and includes without limitation any marijuana concentrate.

Regulated marijuana business means any entity requiring a license pursuant to the Colorado Marijuana Code to engage in the cultivation, consumption, or sale of regulated marijuana, including without limitation any retail marijuana business or medical marijuana business.

Retail marijuana means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana business.

Retail marijuana business means any entity requiring a license pursuant to the Colorado Marijuana Code, including without limitation a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, a marijuana hospitality business, a retail marijuana hospitality and sales business, a retail marijuana testing facility, a retail marijuana business operator, or a retail marijuana transporter.

Retail marijuana product means a product infused with retail marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

Sec. 5-112. - Findings.

- (a) The Colorado Marijuana Code clarifies state law regarding the scope and extent of Article XVIII, Section 14 and Article XVIII, Section 16 of the Colorado Constitution.
- (b) This Article is necessary to protect and is enacted in furtherance of the public health, safety and welfare of the Town.
- (c) This Article is intended to apply and shall apply to all property, businesses and business enterprises operating within the Town, whether stationary, mobile or virtual.

Sec. 5-113. - Purpose.

The purpose of this Article is to promote the general public welfare and safety throughout the Town of Green Mountain Falls, Colorado by prohibiting the operation of regulated marijuana businesses to protect the health, safety and welfare of the citizens of the Town of Green Mountain Falls.

Sec. 5-114. – Regulated marijuana businesses prohibited.

It is unlawful for any person to establish, operate, cause to be operated or permit to be operated a regulated marijuana business in the Town. The operation, ownership, establishment or conduct of a regulated marijuana business is unlawful and prohibited within the Town of Green Mountain Falls, Colorado.

Sec. 5-115. – Patients and primary caregivers.

Nothing in this Article shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in Article XVIII, Section 14 of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and rules promulgated thereunder.

Sec. 5-116. - Penalty.

It is unlawful for any person to violate any of the provisions of this Article. Any such violation is hereby designed a criminal offense, and any person found guilty of violating the provisions of this Article shall, upon conviction thereof, be punished by a fine pursuant to **Section 1-42 of this Code**. In addition to other remedies available to the Town, the Town may commence an action to enjoin the alleged violation of any provision of this Article, or to authorize and compel the removal, termination or abatement of such violation.

Secs. 5-117—5-130. - Reserved.

ARTICLE VII - LICENSING OF SHORT-TERM RENTALS

Sec. 5-131. - Purpose and scope.

The purpose of this Article is to establish comprehensive licensing provisions for whole residential dwelling units made available for rent for a period of time less than thirty (30) days in duration to ensure minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of residential

dwellings available for rent. This Article does not apply to the furnishing of lodging services in hotels, motels, or lodges.

Sec. 5-132. - Applicability.

All owners of residences within residential zone districts, including but not limited to R-1 and R-2 Districts who rent or lease their entire property for a period of time less than thirty (30) days shall comply in full with all terms and conditions contained in this Article. Nothing in this Article shall require an owner to apply for a special use permit under **Section 16-710 of this Code.**

Sec. 5-133. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Owner means the record owner of a residential dwelling unit or an authorized agent or designee thereof.

Rent or lease means an agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of their property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

Short-term rental means the renting or leasing of an entire residential structure for monetary consideration for a period of time less than thirty (30) consecutive days, not including a bed and breakfast, residency unit, boarding or rooming house, or hotel. The definition does not include offering use of one's property to another where no fee is charged or collected.

Town Manager means the appointed administrative official of the Town government, or, in the event of a vacancy, their designee, whose duties and responsibilities shall conform to the requirements of **Section 2-81 of this Code.**

Sec. 5-134. - License required.

No owner shall allow any person to rent or lease, sublease or occupy any short-term rental as a tenant, renter, lessee, sublessee or otherwise, unless the owner has been issued a valid rental property license by the Town. Licenses are permitted in any zone district in the Town where residential occupancy is permitted, provided however, that no commercial space shall be used for a short-term rental. The short-term rental license must be renewed annually for every premises used as a short-term rental. A short-term rental license may be denied or revoked if the owner is not in compliance with the terms and conditions of license or any other applicable laws.

Sec. 5-135. - Taxes.

All owners of short-term rentals are required to collect and remit sales and other applicable taxes. Evidence of issuance of a state sales tax license number is required as a condition of the Town Manager's consideration of a short-term rental license application.

Sec. 5-136. - Business license required.

All owners of short-term rentals are required to possess a current Town business license for each short-term rental property. The business license must be renewed annually. Business license requirements under this Section shall conform to the requirements of **Article II of this Chapter**.

Sec. 5-137. - License application; procedure; appeals.

(a) All owners of short-term rentals must obtain a short-term rental license . Conducting a short-term rental without a valid license is a violation of this Article. A license application shall be provided by the Town, and an applicant shall provide the following information:

- (1) Owner name, permanent address, and property address;
- (2) Maximum occupancy of rental guests;
- (3) Owner representative and contact information;
- (4) Parking plan for guests indicating the manner in which the maximum permitted number of cars shall be parked so as to avoid any conflicts with neighboring properties or public right-of-way;
- (5) Evidence of property and liability insurance;
- (6) Proof of a valid business license;
- (7) Proof of a valid sales tax license number;
- (8) Proof of possession of the licensed premises; or
- (9) If the applicant does not own the property where the licensed premises is located, the applicant must provide written documentation from the property owner allowing short-term rentals on the licensed premises; and
- (10) The license application fee set by the Board of Trustees.
- (11) Other documents as required by the Town on its application form.

(b) Licenses are valid until December 31st of each year. The application fee shall be prorated on a monthly basis for any application filed for a license period commencing after January 1st. Subject to the requirements of this Article, licenses may be revoked or renewed.

(c) Before issuing a short-term rental license, the applicant shall notify the Town Marshal and all owners of real property within one hundred fifty (150) feet of the proposed short-term rental property who shall be provided an opportunity to make comment on or object to the issuance of the license. The notice shall contain the property location, notice that the full application that may be copied and reviewed at the Town Hall, and notice that comments must be received within fifteen (15) days from the date on which the notice is given. The notice shall be posted on the property and at the Town Hall, and mailed at the applicant's expense.

(d) The Town Manager, after reviewing the license application and any public comments or objection shall approve, approve with conditions, renew, renew with conditions, deny, or revoke the short-term rental license. The Town Manager shall issue the decision within thirty (30) days

after receiving a complete application and shall report all decisions at the next regular meeting of the Board of Trustees. A standard condition of approval shall be that the license, as issued, is temporary and conditional until the appeal period, as described in (e) below, has passed, or until any such appeal has been decided, whichever is later.

(e) Either the applicant or a property owner within one hundred fifty (150) feet of the proposed short-term rental property may appeal the Town Manager's decision to issue, issue with conditions, renew, renew with conditions, revoke, or deny a short-term rental license. Such appeal shall be filed with the Town Clerk in writing within fifteen (15) days of the decision being reported to the Town Board and shall be heard by the Board of Trustees. The Board of Trustees shall promptly hear and decide all appeals. The decision of the Town Manager (if not timely appealed) or the Board of Trustees (if appealed), is the final decision of the Town for purposes of judicial review.

(f) All permitted short-term rentals are subject to inspection under **Section 5-10 of this Code**. Licenses may be revoked or not renewed by the Town Manager if license conditions and requirements are not met or if more than three (3) violations of license conditions or the requirements of this Chapter are found within any one (1) license year.

(g) A short-term rental license is non-transferable and may be used only for the property for which it is issued. A short-term rental license is not transferrable upon the sale of the property.

Sec. 5-138. - Limitations; renewal.

(a) An owner shall file with the Town a written application for a short-term rental license at least sixty (60) days prior to rental of the property. For a property owner operating a short-term rental under a prior Town approval, the property owner shall file a written application for a new license under this Article within sixty (60) days of the ordinance's effective date.

(b) The Town shall issue no more than sixty (60) short-term rental licenses. When the cap is reached, new license applications will be considered in order of the date received.

(c) Licenses shall expire on December 31st of each year. To renew a license, Licensees shall apply to the Town on forms provided by the Town no later than November 1st of each year.

(d) In considering issuance or renewal of a short-term rental license, the Town Manager or the Town Board, as appropriate, shall consider any conviction for a municipal code violation within the past year related to the property to be licensed.

Sec. 5-139. - Local agent required.

When the owner of a short-term rental property is not a natural person domiciled within El Paso or Teller County, Colorado, the owner shall appoint a natural person who is domiciled within either El Paso or Teller County, Colorado, to serve as the local agent of the owner for service of any notices related to the property or its license. An owner shall notify the Town in writing of any change in the appointment of a local agent within seven (7) days of such change.

Sec. 5-140. - Fees.

(a) Applicants for short-term rental licenses, or the renewal thereof, shall pay the fee as set by resolution of the Board of Trustees at the time of submitting an application.

(b) A person wishing to appeal a decision of the Town Manager under this Article shall do so in writing to the Town Clerk and shall be the fee as set by resolution of the Town Board.

Sec. 5-141. - Posting requirements.

(a) An owner shall post the license, or a true copy thereof, conspicuously within the rental property for which such license has been issued.

(b) An owner shall display its license number on the face of any advertisement. For purposes of this Section, the term "advertisement" means the act of drawing the public's attention to a short-term rental in order to promote the availability of the short-term rental.

Sec. 5-142. - Safety requirements.

Each short-term rental shall comply at all times with all applicable building codes, standards and regulations.

Sec. 5-143. - Enforcement.

(a) It is unlawful to violate any provision this Article.

(b) The Town may enforce the requirements of this Article by any or all of the following:

(1) The Town Manager shall issue a warning letter to persons conducting a short-term rental without a license.

(2) The Town Manager may revoke or refuse to renew a short-term rental license for any reason provided in this Article and may prohibit an owner from re-applying for a short-term rental license for one (1) year following revocation or non-renewal.

(3) Persons found of violating any provision of this Article shall be punished in Municipal Court as hereinafter provided; provided, that each separate act in violation of this Article, and 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.

1. The Municipal Court may impose a civil penalty according to a schedule adopted by Resolution of the Board of Trustees, not to exceed four hundred and ninety-nine dollars (\$499.00) per violation. Each day of violation shall constitute a separate offense;

2. The Municipal Court may suspend a portion of the fine if the Court finds mitigating circumstances.

(4) Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

CHAPTER 7 - Health, Sanitation and Animals

ARTICLE I - Nuisances

Sec. ~~76-1.~~ -Nuisance defined- Declaration of nuisances.

~~Anything~~Any thing or activity ~~which is injurious to the health or morals, indecent~~unreasonably annoys or offensive to the senses or an obstruction to the free use of property so as to interfere~~interferes~~ ~~with the comfortable use or enjoyment of life or property is~~public or private property or which constitutes a health or safety hazard, anything that violates the provisions of this Code, or anything declared to be a nuisance and as such by Town ordinance or by statutes or regulations of the State shall be abated. ~~in accordance with the provisions contained herein and, in addition, subject to the penalties provided for in Section 6-13.~~

(Prior code 8-1-1)

Sec. ~~76-2.~~ -County Health Department powers.

~~The County Health Department has the full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property, to abate infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease or anyone exposed thereto and to promulgate such rules and regulations as may be necessary to perform its functions. The County Health Department shall have the authority to enforce such rules of the Health Department of the State as are applicable to particular situations.~~

(Prior code 8-1-2)

Sec-7-3. - Investigation.

~~The Town Marshal is hereby authorized to investigate any matter at any place within the Town and which reasonably appears to be in violation of the provisions of this Chapter.~~

(Ord. 02-2008 §1)

Sec-7-4. - Right of entry.

(a) ~~Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Town Marshal has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous, hazardous, unsanitary or constitutes a nuisance, such officer may enter such premises at all reasonable times to inspect it or to perform any duty imposed upon the Town Marshal by this Chapter. If such building or premises are occupied, the Town Marshal shall first present proper credentials and request entry. If such building or premises are unoccupied, the Town Marshal shall first make a reasonable effort to locate the owner or the owner's agent, manager, lessee or occupant and request entry. If such entry is refused, the officer shall give the owner or the owner's agent, manager, lessee or occupant, or if the owner or the owner's agent, manager, lessee or occupant cannot be located after a reasonable effort, the officer shall post upon a conspicuous place upon the premises, a written notice of intent to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice shall state that the owner or the owner's agent, manager, lessee or occupant has the right to refuse entry and that, in the event such entry is refused or the officer has been unable to obtain permission of the owner or the owner's agent, manager, lessee or occupant, inspection may be made only upon issuance of a search or inspection warrant by the Municipal Judge or by a judge of any other court having jurisdiction.~~

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(b) ~~The Town Marshal may appear before the Municipal Judge and, upon a showing of probable cause, shall obtain a search warrant entitling such officer to enter the building or upon the premises, using such reasonable force as may be necessary to gain entry. The officer applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the structure or premises at issue in order to obtain a search warrant, but must show some factual or practical circumstances that would cause an ordinary prudent person to act. The Municipal Judge shall have the power to issue search warrants pursuant to the Colorado Municipal Court Rules of Procedure, upon a showing of probable cause of the existence of such condition or nuisance.~~

(c) ~~When the Town Marshal shall have first obtained a search warrant or other remedy provided by law to secure entry, no owner or the owner's agent, manager, lessee or occupant shall fail or neglect, after proper request is made, to promptly permit entry by the Town Marshal for the purpose of inspection and examination pursuant to this Chapter.~~

(d)(a) Whenever the Town has reasonable cause to believe a nuisance exists, an authorized representative of the Town may enter upon or into any lot or upon any property, building or premises, with the owner's or occupant's permission, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof. If permission is denied, the Town shall obtain an order by the Municipal Judge or from a court of competent jurisdiction authorizing entry.

(b) Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, the Town Marshal may enter into any building or upon any premises, using such reasonable force as may be necessary. An emergency situation includes any situation of imminent danger of loss of, or injury or damage to, life, limb or property, or threat to public safety. It is unlawful for any owner or the owner's agent, manager, lessee or occupant of the building or premises to deny entry to any officer or to resist reasonable force used by any officer acting pursuant to this Chapter.

~~(Ord. 02-2008 §1)~~

Sec. 7-56-3, - Notice of violation and abatement.

(a) If, after investigation, the Town Marshal has reason to believe that a lot or parcel of land is being maintained in violation of this Chapter, the Town Marshal has the discretion to issue a verbal warning or a written notice of violation. A written notice shall either be served personally or be sent by first-class mail to the owner or the owner's agent, manager, lessee or occupant of the property. If the written notice is sent by mail, the Town Marshal shall also cause the property where the violation of this Chapter is located to be posted in a conspicuous place visible from an adjacent public right-of-way. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the address of the property, the violations cited and notice to set a date by which the owner must abate the violation forthwith, and be signed by the issuing officer.

(b) In case of any such nuisance in or upon any street, alley, sidewalk, highway or public grounds in the Town, the Town Marshal may abate the same forthwith without such notice being given.

~~(Ord. 02-2008 §1)~~

Sec. 7-6, - Issuance of summons and complaint.

~~A summons and complaint may be issued to the person or persons named in the notice of violation unless satisfactory arrangements for an extension of time have been made with the Town Marshal.~~

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~~(Ord. 02-2008 §1)~~

~~**Sec. 7-7. Declaration of nuisance by Board of Trustees.**~~

~~In the event that any such nuisance is not abated forthwith after the notice herein provided shall be given, the Board of Trustees may declare the same to be a nuisance and order the Town Marshal to abate the same without delay. The Town Marshal shall have the authority to call for the necessary assistance therefor.~~

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~~(Ord. 02-2008 §1)~~

~~**Sec. 7-8. Right of Town to enter property, abate nuisance and bill owner for same.**~~

~~(a) Upon the failure, neglect or refusal of the owner or the owner's agent, manager, lessee or occupant of the property to remedy the circumstance being maintained in violation of this Chapter, the Town Marshal is hereby authorized to enter such property, after giving proper notice of violation as set forth in this Chapter, and to remedy the cited violation. The cost of such abatement plus an administrative fee of seventy-five dollars (\$75.00) shall be collected from the record owner of such property and shall apply independently and in addition to the penalty provided for the violation of this Chapter.~~

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~~(bc) In the event the owner or the owner's agent, manager, lessee or occupant of such property fails to pay such costs of abatement within fifteen (15) thirty (30) days after billing, a lien may be assessed against the property for such costs. The lien hereby created shall be superior and prior to other liens regardless of date, except for liens for general property taxes and special assessments. The Town Clerk shall certify to the County Treasurer the assessments which are not paid within twenty (20) thirty (30) days after billing. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection.~~

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~~(d) In case of any such nuisance in or upon any street, alley, sidewalk, highway or public grounds in the Town, the Town may abate the same forthwith without such notice being given.~~

~~(e) nothing set forth in this chapter shall be considered to be a prerequisite for commencing an action for such violation in municipal court.~~

~~**Sec. (Ord. 02-2008 §1)**~~

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~~**6-4 Sec. 7-9. Penalties.**~~

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~~Whenever, in any Section of this Article or any regulation promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who shall be convicted of a violation of any such Section shall be punished pursuant to Section 1-72 of this Code.~~

~~(Prior code 8-1-9)~~

~~**Sec. 7-10. - Junkyards and dumping grounds.**~~

~~All places used or maintained as junkyards or dumping grounds for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, for the storing or leaving~~

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of worn-out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats, housetrailer or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors, builders or other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are persons are hereby declared to be a nuisance.

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(Prior code 8-2-1)

Sec. 7-146-5. - Discharge of nauseous liquids.

It shall be unlawful to discharge out of or from or permit to flow, from any house or place, foul or nauseous liquids or substances of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or public place in the Town.

(Prior code 8-2-2)

Sec. 7-126-6. - Stale matter.

It shall be unlawful to keep, collect or use or cause to be kept, collected or used in the Town any stale, putrid or stinking fat, grease or compost for a nonhousehold use and in a manner which threatens the health and welfare of the Town.

(Prior code 8-2-3)

Sec. 6-7-13. - Sewer inlet.

It shall be unlawful to deposit in or throw into any sewer, sewer inlet or privy vault that shall have a sewer connection any article whatsoever that might cause such sewer, sewer inlet or privy vault to become nauseous or offensive to others or injurious to public health.

(Prior code 8-2-4)

Sec. 7-14. - Slaughterhouse.

No commercial slaughterhouse or other place for slaughtering animals shall be kept within this Town.

(Prior code 8-2-5)

6-8Sec. 7-15. - Dead animals; removal.

When any animal shall die in this Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway or public grounds in this Town, it shall be the duty of the Town Marshal to cause such body to be removed forthwith beyond the limits of the Town.

(Prior code 8-2-6)

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Sec. 7-166-9. - Stagnant ponds.

Any cellar, vault, drain, sewer, pond of water or other place upon or within any private premises or grounds in the Town that shall be nauseous or offensive to others or injurious to public health through an accumulation or deposition of nauseous, offensive or foul water or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this Article or any other ordinance of the Town.

(Prior code 8-2-7)

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Sec. 7-176-10. - Open wells, cisterns or excavations.

It is hereby declared that excavations exceeding five (5) feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5) feet, and it shall be unlawful for any person to permit such nuisance to remain on the premises owned or occupied by him or her.

(Prior code 8-2-8)

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Sec. 7-186-11. - Handbills, posters and placards.

Any handbill, poster, placard or painted or printed matter which shall be stuck, posted or passed upon any public or private house, store or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house, shall be deemed a nuisance and may be abated as provided in this Chapter.

Sec.

(Prior code 8-2-9)

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Sec. 7-19. - Additional provisions.

The above enumerated provisions of this Article are in no way deemed to be exclusive and anything declared a nuisance under Section 7-1 shall be abated in accordance with the provisions contained therein and, in addition, subject to the penalties provided for in Section 7-9.

(Prior code 8-2-10)

Sec. 7-206-12. - Prohibiting discharge of sewage, effluent or contaminated matter

(a) It is unlawful to discharge or to permit or suffer the discharge of sewage, effluent or matter contaminated by sewage or effluent, either upon the surface of the ground or into any creek or waterway within the Town.

(b) The owners of any property where people live, work or congregate shall provide an adequate sewage disposal system in good working order and constructed, installed and maintained in accordance with rules adopted pursuant to Section 25-10-106, C.R.S., and this Article.

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(c) The Marshal's Department shall have the authority to have a malfunctioning sewage disposal system pumped or repaired, with the expense to be charged to the property owner.

~~(Ord. 2001-02 §1)~~

~~Sec. 7-21. Violation 6-13. - Penalty.~~

~~Whenever, in any Section of this Article or any regulation promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who shall be convicted of a violation of any such Section shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is committed or permitted to continue shall constitute a separate offense. The penalty fines for violations existing within Section 7-20 above shall be established by resolution of the Board of Trustees.~~

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~~(Ord. 2001-02 §2)~~

~~Secs. 7-22 – 7-40 6-14 – 6-30. - Reserved.~~

ARTICLE II - Refuse

~~Sec. 7-416-31. - Definitions.~~

For the purposes of this Article, the following terms shall have the meanings indicated:

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, metal binding, sacks, 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.

Refuse container means any trash can, dumpster or similar device used for the collection and storage of solid waste or recyclable material with food or the scent of food.

Wildlife means any nondomesticated mammal indigenous to the Ute Pass area, including but not limited to bear, deer, elk, raccoon, coyote, fox, skunk, bobcat, mountain lion and porcupine.

Wildlife-proof enclosure means a fully enclosed structure capable of keeping wildlife out. The door shall have a latching device of sufficient design and strength to prevent access by wildlife.

Wildlife-resistant refuse container means a fully enclosed rigid container with a rigid lid. The lid must have a latching mechanism, which limits access to the contents by wildlife. Plastic bags are not wildlife-resistant refuse containers.

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~~(Ord. 02-2004 §1)~~

~~Sec. 7-426-32. - Accumulation and deposit of refuse; prohibited and declared nuisance.~~

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~~(a) Any accumulation of refuse or deposit of any refuse other than in closed containers, on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance. No person shall in any manner throw, place, scatter, deposit or bury, or set on fire or burn any refuse or other combustible materials, deposit refuse or waste materials or ashes in or upon any public street, alley or other public place or upon his or her own premises or the premises of another.~~

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~~(Prior code 10-1-2)~~

~~Sec. 7-43. — Abatement.~~

~~Whenever the Board of Trustees shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his or her agent or any person having charge of such property, in writing, that an order has been made by the Board of Trustees requiring the removal of any accumulated refuse from such property or b) All refuse shall be removed periodically from all premises within fifteen (15) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse in accordance with the requirement of such order, the Board of Trustees may order that such refuse be removed by the Town Clerk or other agent of the Board of Trustees and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided that, in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a news-paper in general circulation in the Town for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property and shall designate a time and place when the Board of Trustees will hear any objections as to the adjustment and corrections of the amount so assessed. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer to be placed on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection as provided by the laws of the State.~~

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~~(Prior code 10-1-3)~~

~~Sec. 7-44. — Accumulation and deposit of garbage prohibited.~~

~~No person shall deposit or place any garbage, rubbish, waste material or ashes in other than closed containers or in such a manner that the same is or tends to become a nuisance or in such a manner as it endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit or bury any garbage, rubbish, waste materials or ashes in or upon any public street, alley or other public place or upon his or her own premises or the premises of another.~~

~~(Prior code 10-1-4)~~

~~Sec. 7-45. — Refuse not to be thrown in streets, vacant lots.~~

~~No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property.~~

~~(Prior code 10-1-5)~~

~~Sec. 7-46. — Responsibility of owners and lessees for refuse on premises.~~

~~It shall be the duty of every person, whether owner, lessee or renter, of any vacant lot, in the Town so that the premises are clean and orderly at all times. All loose, discarded or unused building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance and shall be nonconforming in the use of such premises.~~

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~~(Prior code 10-1-6)~~

~~Sec. 7-47. — Building materials to be removed material from construction sites.~~

~~All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose, discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence, sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise and shall be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.~~

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~~(Prior code 10-1-7)~~

~~Sec. 7-48. — Removal of refuse from business required.~~

~~Discarded automobile parts, stoves, furniture, wool, hides, junkyard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Town Marshal or the Fire Chief, such removal to be handled by the establishments responsible therefor.~~

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~~(Prior code 10-1-8)~~

~~Sec. 7-49. — Accumulation and use of manure.~~

~~Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose or kept in any place for an alternative use, but shall be either plowed under or removed by the owner, occupant or agent.~~

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~~(Prior code 10-1-9)~~

~~Sec. 7-50. — Burning of garbage and waste material.~~

~~No person shall set on fire or burn any garbage, rubbish or waste material or any hay, grass clippings or other combustible materials except waste paper in any ash pit or other receptacle or upon the ground. Any such act is a nuisance because of smoke and odor.~~

~~(Prior code 10-1-10)~~

~~Sec. 7-546-33.~~ **- Wildlife-resistant refuse containers or enclosures required.**

Except for a container which has a minimum of seven (7) days per week pickup, any refuse container, regardless of size, ~~including construction site containers~~ that receives, between the dates of April 1 and the last day of November, inclusive, refuse which is edible by bears or other wildlife, shall be kept closed and secure in either:

- (1) An approved wildlife-proof enclosure or;
- (2) A wildlife-resistant refuse container which is stored within a building, house, garage or approved wildlife-proof enclosure.

~~(Ord. 02-2004 §II)~~

~~Sec. 7-52. — Maintenance and operation of wildlife-resistant refuse containers and wildlife-proof enclosures.~~

~~(a) — Wildlife-resistant refuse containers and wildlife-proof enclosures must be kept closed and secure when refuse is not being deposited.~~

~~(b) — If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within one (1) week after written notification by the Marshal's office or Town Clerk is received.~~

~~(Ord. 02-2004 §II)~~

~~Sec. 7-536-34.~~ **- Residential refuse disposal.**

~~(a) Residents with curbside pickup shall place their refuse containers outside only on the morning of pickup. After pickup, the containers must be stored inside the home, garage or wildlife-proof enclosure by 9:00 p.m.~~

~~(b) Plastic bags are not considered an acceptable container for refuse edible by wildlife.~~

~~(Ord. 02-2004 §II)~~

~~Sec. 7-546-35.~~ **- Special event refuse disposal.**

~~Outdoor special event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in wildlife-proof enclosures or be removed to an appropriate disposal site.~~

~~Sec. 6-36.~~ **- Penalty.**

~~(Ord. 02-2004 §II)~~

~~Sec. 7-55. — Construction site refuse disposal.~~

~~All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be either a wildlife-proof enclosure or a wildlife-resistant container that is securely stored inside a trailer, building or a wildlife-proof enclosure.~~

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~~(Ord. 02-2004 §II)~~

~~Sec. 7-56. – Enforcement.~~

~~(a) The Marshal's Department may issue a summons and complaint to any person in violation of this Chapter.~~

~~(b) The Marshal's Department shall have the right to inspect property concerning a potential wildlife attractant.~~

~~(Ord. 02-2004 §II)~~

~~Sec. 7-57. – Penalty.~~

~~The penalty fines for violations existing within this Section shall be established by resolution of the Board of Trustees.~~

~~(Ord. 02-2004 §II)~~

Any person who shall be convicted of a violation of any Section hereunder shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is committed or permitted to continue shall constitute a separate offense subject to the penalties provided for in Section 6-13.

Secs. 7-58 – 7-70 (6-37 – 6-50). - Reserved.

ARTICLE III - Weeds and Brush

Sec. 7-71-51. - Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

- (1) *Brush* means any unsightly, useless, troublesome or injurious volunteer growth of bushes or shrubbery, which shall include all cuttings from said bushes and shrubbery.
- (2) *Weed* means any unsightly, useless, troublesome or injurious herbaceous plant including, but not limited to, those undesirable plants commonly known as leafy spurge, diffuse knapweed, Russian knapweed and spotted knapweed.

~~(Ord. 92-04 §1)~~

~~Sec. 7-72. – Designation of Undesirable Plant Management Advisory Commission.~~

~~The Board of Trustees is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statute.~~

~~(Ord. 92-04 §1)~~

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

Sec. 7-736-52. - Declaration of nuisance and removal.

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

(Ord. 92-04 §1)

Sec. 7-74. - Duty of property owner to cut.

(b) 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.

(Ord. 92-04 §1)

Sec. 7-75. - Removal from Town.

(c) All weeds and brush cut in accordance with Section 7-74 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.

(Ord. 92-04 §1)

Secs. 7-76 - 7-90 (b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z). - Reserved.

ARTICLE IV - Animals

Sec. 7-916-71. - Definitions.

Whenever in this Chapter the words hereinafter defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

(1) *Animal Control Officer* means the person, persons, firm, club, association, partnership, society, corporation or other organization employed or appointed by the Town to carry out and enforce the provisions of this Article.

(2) *At large* means:

a. Off the premises of the owner, other than on or within a vehicle, and not under the control of the owner or a member of his or her immediate family or other competent, responsible and/or authorized person by means of a restraining device which keeps the animal within ten (10) feet of the controlling party; or

b. Creating a nuisance, including but not necessarily limited to, trespassing on private property, jumping on, snapping at or otherwise threatening persons or other animals, causing litter by

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~~overturning trash cans or similar misbehavior, defecating on property not the owner's and by similar actions of a dangerous and/or damaging nature.~~

~~(3)(3) *Exotic Animal* means an animal that is not a household pet or livestock, is wild in nature and may or may not have the ability to inflict bodily harm on humans, including, without limitation, snakes in excess of four feet in length.~~

~~(4) *Owner* means any person or persons, firm, association, club, corporation, partnership, society or any other organization owning, keeping, possessing or harboring animals, or designated in such capacity by the owner as hereinafter set forth.~~

~~(4.5) *Vicious animal* means any animal that, unprovoked, bites or attacks persons or other animals, either on public or private property, or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks or any public ground or place.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-926-72. - Running at large prohibited.~~

~~It shall be is unlawful for any owner of any animal to permit the same to run at large within the Town.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-936-73. - Impoundment of animals running at large; costs.~~

~~If any animal shall be found running at large, it is hereby made the duty of the Animal Control Officer to take up and impound the animal at the Humane Society of the Pikes Peak Region at the owner's expense. An animal may be impounded and shall not be released until any and all applicable charges for the Humane Society of the Pikes Peak Region and for the Town, as established by resolution of the Board of Trustees, are paid.~~

~~(Ord. 2-1985 §II; Ord. 5-1989 §II; Ord. 92-04 §1; Ord. 96-01 §I)~~

~~Sec. 7-946-74. - Disposition and/or adoption of impounded animals.~~

~~If the owner or person entitled to the possession of an animal does not pay any and all applicable charges and claim the animal within three (3) calendar days of the date of impoundment, the policies and procedures of the Humane Society of the Pikes Peak Region for disposition, including placement for adoption will be followed.~~

~~(Ord. 5-1989 §II; Ord. 96-01 §I)~~

~~Sec. 7-95. - Grazing upon public thoroughfare.~~

~~It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley or for any person to picket, lead or hold any horse, cattle or other livestock in any manner as to obstruct or impede the full use of said streets, sidewalks or alleys.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

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~~Sec. 7-96. Hitching animal to public and private property.~~

~~It shall be unlawful for any person to tether or hitch any animal in or upon the streets or other public places of the Town or upon the private property of other persons without the permission of the property owners.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-97-75. - Cruelty to animals.~~

~~(a) It shall beis unlawful for any person to overdrive, overload, drive when overloaded or overwork any animal, cruelly beat, cruelly mutilate or torture any animal, needlessly shoot at, wound, capture or in any other manner needlessly molest, injure or kill any animal, or carry, transport or keep in a cruel manner any animal, or to cause any of these acts to be done.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~(b) Having the charge and custody of any animal, it is unlawful to fail to provide it with proper food, drink or protection from the weather, or abandon it.~~

~~Sec. 7-98-76. - Improper care of animals prohibited.~~

~~(a) It shall beis unlawful for any person owning or keeping an animal to fail to provide it with proper food, drink and protection from the weather, with adequate space consistent with normal requirements and habits of the animal's size, species and breed, or otherwise neglect to provide necessary care of any animal or to cause any of these acts to be done.~~

~~(b) It shall beis unlawful for any person owning or keeping any animal to keep it under conditions where its enclosure is overcrowded, unclean or unhealthy, or to cause any of these conditions. An enclosure is unclean when it contains more than one (1) day's elimination of each animal enclosed therein.~~

~~(c) It shall beis unlawful for any person owning or keeping any animal to fail to provide proper and necessary medical care to said animal when it is injured or in need of said care.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-99. Abandonment of animals.~~

~~It shall be unlawful for any person to abandon any animal or to cause such to be done.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-100-77. - Animal fighting prohibited.~~

~~It shall beis unlawful for a person to keep, cause, sponsor, arrange, hold or encourage a fight between animals for any purpose.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

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~~Sec. 7-101. Supply~~6-78. - Limit on number of feed to enclosed animals.****

~~In case any animal or animals shall be at any time enclosed or confined and shall continue to be without necessary food or water more than twelve (12) consecutive hours, it shall be lawful for any person, from time to time and as often as it shall be necessary, to enter into or upon any such enclosure in which any such animal or animals shall be confined and supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him or her of the owner of such animal.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-102. Poisoning/trapping animals prohibited.~~

- ~~(a) No person shall poison or distribute poison in any manner with the intent to poison any animal.~~
- ~~(b) No person shall use, set, place, maintain or tend any leg-hold trap. The Animal Control Officer shall confiscate any leg-hold trap found in violation of this Subsection.~~
- ~~(c) No person shall use, set, place, maintain or tend any mechanical trap which is designed or used to capture or kill any animal.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-103. Frightening, shooting, killing, trapping, molesting birds.~~

~~It shall be unlawful for any person at any time within the Town to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any bird or in any manner molest or injure the nest, young or body of any bird.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §I)~~

~~Sec. 7-104. Animals prohibited.~~

- ~~(a) It shall be unlawful for any person to keep, maintain, possess or harbor within the town mules, donkeys, burros, llamas, cattle, sheep, goats, camels, oxen, alpacas, hogs, potbellied pigs, chickens, geese, ducks, guinea fowl, or turkeys.~~
- ~~(b) It shall be unlawful for any person to keep, maintain, possess or harbor within the corporate limits of the Town any living exotic, wild, dangerous or unusual animals including but not limited to poisonous reptiles, cougars, cheetahs, bears, skunks, raccoons, wolves, foxes, coyotes, chimpanzees, orangutans or any bird which has received State or Federal government designation as an endangered species.~~
- ~~(c) Regulations regarding possession of dogs can be found in Article 5 of this Chapter. Regulations regarding possession of horses can be found in Article 6 of this Chapter. Possession of other typical domestic, household animals, such as rabbits, guinea pigs, hamsters, fish, and other similar pets, may be permitted at the discretion of the property owner and in conformance with this Code. Nothing herein will prevent the Town from enforcing the provisions of this Code, including, but not limited to, Article 1—Nuisances and Article 4—Animals.~~

~~(a) It is unlawful for any resident in the Town to have more than the following number of each type of pet unless the residence is licensed as a kennel pursuant to this Code, or unless the maximum number is exceeded by pets of less than six months of age:~~

~~(1) Dogs: four.~~

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(2) Cats: four.

(3) Rabbits: six.

(4) Pot-bellied pigs: three.

(5) Ferrets: three

(6) Reptiles (non-exotic): four.

(7) Hens: six.

(8) Horses: two.

(b) It is unlawful to keep, own, harbor or allow to run free any exotic animal or any livestock of a type not listed above within the Town.

(c) Notwithstanding any other provision of the Green Mountain Falls Municipal Code, use of animals otherwise prohibited may be allowed by special use permit from the Town pursuant to Section 16-710 for commercial purposes, subject to such conditions and restrictions as may be imposed by the Board of Trustees.

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(Ord. 2-1985 §II; Ord. 96-01 §I; Ord. No. 9-1-2015A, § 1, 9-1-2015)

Sec. 7-105. – Rabbits restrained.

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It shall be unlawful for any person keeping, maintaining, possessing or harboring within the Town any hares or rabbits to fail to keep the same securely enclosed in a pen or building or to permit the same to run at large or to go on the premises of another.

(Ord. 2-1985 §II; Ord. 96-01 §I)

Sec. 7-106. – Injured animals.

In the case of discovering an injured animal, the owner shall be contacted by the Animal Control Officer immediately. If the owner cannot be contacted or is not known, the Animal Control Officer shall take such injured animal to a licensed veterinarian, with the understanding that the release of said injured animal to a veterinarian incurs no financial responsibility on the part of the Town. Said veterinarian shall make the determination to treat the injured animal or, if necessary, to humanely dispose of said animal. Any costs incurred will be the responsibility of the owner, if found.

(Ord. 2-1985 §II; Ord. 96-01 §I)

Sec. 7-107. – Dead animals.

When any animal dies in the Town, no person owning or keeping it shall fail to remove the body of such animal from the Town or dispose of it in a lawful and sanitary manner.

(Ord. 2-1985 §II; Ord. 96-01 §I)

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Sec. 7-108-79. - Removal of animal excrement.

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The owner, possessor or keeper of any animal that defecates upon public or private property belonging to another shall pick up and remove the feces immediately and properly dispose of such feces ~~in accordance with Health Department regulations.~~ Failure to comply with this Section constitutes a violation of this Code.

(Ord. 2-1985 §II; Ord. 96-01 §I)

Sec. 7-1096-80. - Noisy animals.

It is unlawful to harbor or keep any animal which disturbs the peace by unreasonable sounds at any time of the day or night.

(Ord. 96-01 §I)

~~Sec. 7-110. - Notice or knowledge of violation of Article not necessary for prosecution of owner.~~

~~For the purpose of prosecution for violations of this Article, it shall not be necessary, in order to obtain a conviction, to prove notice or knowledge on the part of the owner of the animal in question that such animal was violating any of the provisions of this Article at the time and place charged, it being the purpose and intent of this Article to impose strict liability upon the owner of any animal for the actions, conduct and condition of the animal.~~

(Ord. 2-1985 §II; Ord. 96-01 §I)

Secs. 7-111 - 7-129 §31-510, - Reserved.

ARTICLE V - Dogs

Sec. 7-1396-100. - Definitions.

Dog means any domesticated animal of the species *Canis familiaris*, or other species of the family Canidae over three (3) months of age.

(Ord. 96-01 §II)

Sec. 7-1316-101. - License required.

It is unlawful to own, keep or harbor a dog within the Town unless the same is licensed by securing a license for such dog from the Town Clerk on or before January 31 of each year or within thirty (30) days after the dog reaches the age of three (3) months. Dogs purchased, obtained or otherwise acquired subsequent to January 31 in any calendar year shall be licensed within thirty (30) days after becoming such residents to secure a license hereunder. Said license shall be issued by the Town Clerk upon application stating the name, breed, color and sex of the dog, and name, address and phone number of the owner and upon production of satisfactory evidence that such dog has been inoculated against rabies pursuant to prevailing standards of the Colorado Department of Public Health or other controlling agency, and upon payment of the license fee.

(Ord. 2-1985 §II; Ord. 92-04 §1; Ord. 96-01 §II)

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Sec. 7-132-102. - License fee.

The annual license fees for dogs within the Town shall be established by resolution of the Board of Trustees.

~~(Ord. 92-04 §1; Ord. 96-01 §II)~~

Sec. 7-133-103. - License tag and collar.

Upon compliance with Section ~~7-134-101~~, the Town ~~Clerk~~ shall issue to the owner of the dog a numbered metallic tag, stamped with the number and the year for which issued. Such tag shall be securely fastened to said dog's choke chain, collar or harness and must be worn by the dog at all times.

~~Sec. (Ord. 2-1985 §II; Ord. 96-01 §II)~~

Sec. 7-134. - Tag to be worn only by licensed dogs.

~~It shall be unlawful for any person to affix to the collar or harness of any dog, or permit to remain so affixed, a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of its license or inoculation.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §II)~~

Sec. 7-135. - Records of issuance; duplicated; transfers.

~~The Town Clerk shall keep a record of the date of issue of each dog tag provided for in this Article, the person to whom such tag is issued and the number thereof. If said tag is lost or destroyed, a duplicate tag may be obtained from the Town Clerk upon payment of a fee as established by resolution of the Board of Trustees. In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained, and such new dog tag shall be issued by the Town Clerk upon proof being presented that the inoculation and licensing requirements in this Article have been met and upon the payment of a fee as established by resolution of the Board of Trustees.~~

~~(Ord. 2-1985 §II; Ord. 92-04 §1; Ord. 96-01 §II)~~

Sec. 7-136-104. - Impoundment generally.

(a) It shall be lawful for the Animal Control Officer to impound any dog which is not wearing a dog tag as herein provided. It shall be lawful for the Animal Control Officer to impound any dog at large. ~~It shall be lawful for the officer to go upon private property for the purpose of catching any dog to be impounded. The Town shall provide notice of impoundment to the owner of such dog, if the owner is known, or shall cause notice of impoundment to be posted at the Town Marshal's office to be posted for seventy-two (72) hours.~~

~~(b) In the event a dog running at large is not impounded or cannot be caught to be impounded and the identity of the owner of such dog is known, the Animal Control Officer or citizen may cite such owner in Municipal Court to answer to charges of code violation.~~

~~(c) It shall be lawful for the Animal Control Officer to take any impounded animal to the Humane Society of the Pikes Peak Region.~~

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~~(Ord. 2-1985 §II; Ord. 96-01 §II)~~

~~Sec. 7-137. Filing of complaint against dog owner.~~

~~If a dog is impounded, it shall be the duty of the Animal Control Officer to immediately institute proceedings on behalf of the Town against the owner of such dog, if known, charging the owner with a violation of the appropriate section of this Article. Nothing herein contained shall be construed as preventing the Animal Control Officer or any citizen from instituting proceedings for violation of this Article where there is no impoundment.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §II)~~

~~Sec. 7-138. Notice to owner of dog.~~

~~As soon as practical after the date of impoundment, the Animal Control Officer shall, by regular mail or posting at the owner's address in a conspicuous place, give written notice of such impoundment to the owner of such dog, if the address of such owner is known. If the address cannot be determined, the officer shall cause the notice of impoundment to be posted at the Town Marshal's office for seventy-two (72) hours. Whether the notice herein provided is mailed or posted, it shall describe the dog, set forth, the date of impoundment and set forth location from which the dog was taken up and the impoundment location.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §II)~~

~~Sec. 7-139. Procedure for release of impounded dog.~~

~~(c) An impounded dog shall not be released until all applicable fees and penalties, including rabies inoculation fees, are paid to all agencies involved. If the dog does not have a Town license, said license shall be obtained from the Town Clerk, within seventy-two (72) hours after release.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §II)~~

~~Sec. 7-140. Refusal of owner to retrieve impounded dog.~~

~~(d) The failure or refusal to retrieve any impounded dog by the owner of said animal shall not relieve the person of the duty to pay the impoundment fee and other charges, including medical costs, which have been assessed. It shall be unlawful for the owner of any dog to fail or refuse to pay such fees and charges.~~

~~**Sec. (Ord. 96-01 §II)**~~

~~Sec. 7-141. Disposal of dog whose owner cannot be located.~~

~~If the owner of an impounded dog cannot be found, disposal of said dog shall be accomplished according to procedures set forth by the Humane Society of the Pikes Peak Region.~~

~~(Ord. 2-1985 §II; Ord. 5-1989 §II; Ord. 96-01 §II)~~

~~Sec. 7-142. Redemption fees.~~

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Any owner of an impounded dog shall pay the Town applicable fees as established by resolution of the Board of Trustees, plus any and all license or rabies inoculation fees provided for in this Article, plus any impound fees charged by the Humane Society of the Pikes Peak Region. It shall be unlawful for the owner or any animal to fail or refuse to pay such fees and charges.

(Ord. 2-1985 §II; Ord. 92-04 §1; Ord. 96-01 §II)

~~Sec. 7-143. — Muzzling and confinement of dogs during rabies danger; impoundment of dogs not confined or muzzled.~~

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor shall have the authority to issue a proclamation ordering every owner of any dog within the Town to confine it securely unless such dog shall have a muzzle of sufficient strength to prevent it from biting any person. It shall be the duty of the Animal Control Officer and all police officers of the Town to take up and impound any dog that may be found during the time so designated by the Mayor as aforesaid, unless muzzled or confined as herein provided.

(Ord. 2-1985 §II; Ord. 96-01 §II)

~~Sec. 7-144-6-105. - Female dogs in heat.~~

Any unspayed female dog, while in heat or suspected of being in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or other enclosure shall be so constructed or situated so as to prevent other dogs from gaining access.

(Ord. 2-1985 §II; Ord. 96-01 §II)

~~Sec. 7-145-6-106. - Vicious dogs.~~

~~It shall be~~ unlawful for any person to own, keep, possess or harbor within the Town a vicious dog, as defined in Section 7-91(4). It shall be the duty of the Animal Control Officer to impound any dog which is vicious. In the event a vicious dog cannot be caught, without the officer exposing himself or herself to danger or personal injury from such dog, it shall be lawful for the officer to forthwith destroy such dog without notice to the owner thereof.

(Ord. 2-1985 §II; Ord. 96-01 §II)

~~Sec. 7-146-6-107. - Confinement of biting dogs.~~

(a) The owner of any dog which has bitten or is suspected of having bitten any person, or which is suspected of having rabies, shall notify the Animal Control Officer.

(b) Any dog which has bitten or is suspected to have bitten any person or which is suspected of having rabies shall be confined upon order of the ~~Animal Control Officer~~ ~~Town~~ for a period of ten (10) days for observation. Such dog shall either be confined at the residence of the owner, if such confinement can be accomplished without exposing such dog to the public or, at the option of the ~~Animal Control Officer~~ ~~Town~~, such dog shall be confined at the Humane Society of the Pikes Peak Region or a private veterinary hospital at the expense of the owner. ~~It shall be~~ unlawful for any owner of such dog to permit such dog during confinement to come into contact with the public.

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Sec. (Ord. 2-1985 §II; Ord. 96-01 §II)**Formatted:** Font: Bold~~Sec. 7-147. - Number of dogs allowed per household.~~

It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one (1) household more than two (2) dogs, except that if any household keeps, maintains or harbors three (3) licensed dogs at the time of passage of this Article (April, 1996), the same three (3) dogs may be maintained upon the premises without being in violation of this Section.

(Ord. 2-1985 §II; Ord. 92-04 §1; Ord. 96-01 §II)

~~Sec. 7-148. **6-108. - Barking dogs prohibited.**~~**Formatted:** Font: Times New Roman, Bold

No person owning or keeping a dog shall fail to prevent such dog from disturbing the peace and quiet of any other person within the Town by loud, and/or persistent barking, baying, howling, fighting, yiping, crying, yelping or whining, whether the animal is on or off the owner's or keeper's premises.

Formatted: Justified, Line spacing: single**Formatted:** Font: Times New Roman, 12 pt, Bold**Formatted:** Font: Times New Roman, 12 pt**Formatted:** Justified, Indent: First line: 0.5"**Sec. (Ord. 94-03 §I; Ord. 96-01 §II)****Formatted:** Font: Bold~~Sec. 7-149. - Barking dog; warning required.~~~~(a) **6-109. - Penalty.**~~

Any person who shall be charged with convicted of a violation of any Section 7-148 unless a written warning has been given hereunder shall be punished pursuant to the dog owner Section 1-42 of this Code. The Town may institute injunction, abatement or the person keeping the dog by the Animal Control Officer within the twelve-month period immediately preceding the date of the alleged any other appropriate action to prevent, enjoin, abate or remove any violation.

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(b) The Animal Control Officer shall issue a written warning after receiving a complaint, investigating the complaint of this chapter in which event the Town shall be entitled to recover court costs and determining attorney fees. Each day that the peace and quiet of the complainant has been disturbed. Complainants must make a written complaint when reporting an alleged such violation including name, address and telephone number and must sign the complaint.

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(c) A warning is sufficient if it recites Section 7-148 and states that a written complaint has been received that a dog owned by said person or being kept by said person is disturbing the peace of an individual.

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(d) A warning is given under this is committed or permitted to continue shall constitute a separate offense subject to the penalties provided for in Section if it is personally given to the person owning or keeping the dog or if it is mailed first class to such person. The Marshal's Department shall keep all records of warnings given, and such records are prima facie evidence that such warnings were given. 6-13.

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(Ord. 94-03 §II; Ord. 96-01 §II)

~~Sec. 7-150. **Penalty.**~~**Formatted:** Justified, Line spacing: single

The penalty fines for violations existing within this Section shall be established by resolution of the Board of Trustees.

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(Ord. 94-03 §IV; Ord. 96-01 §II)

Secs. 7-151 - 7-160 - 7-110 - 6-120, - Reserved.

ARTICLE VI - Horses

Sec. 7-161-121, - Property size requirements.

Within the Town, horses shall be kept on property which is two and one-half (2 ½) acres or larger in size, provided that said animals are fenced back from the property line a minimum of ten (10) feet and that all other applicable requirements herein provided are satisfied, except for any horse with a permit issued prior to the passage of this Article (April 1996).

(Ord. 2-1985 §II; Ord. 96-01 §III)

Sec. 7-162-122, - Enclosures.

Horses shall be kept in a suitable fenced enclosure, corral or pen in which said animals shall be restrained, providing a minimum area of one thousand five hundred (1,500) square feet per animal. Said enclosure, corral or pen or any shelter, shed, stable or barn in which horses are housed shall be located a minimum distance of seventy-five (75) feet from any neighboring house, dwelling or place of business.

(Ord. 2-1985 §II; Ord. 96-01 §III)

Sec. 7-163, - Sanitation.

The premises upon which horses are kept shall be maintained in a clean and sanitary condition. Manure or excrement and straw or bedding shall be removed from enclosures, corrals, pens, shelters, stables or barns on a regular basis and shall be temporarily stored at the farthest possible and reasonable point upon the property from any house, dwelling, place of business or natural water course. Said manure or excrement and straw or bedding shall be removed from Town at least once every week. It is the responsibility of the owner of the horses to take whatever actions may be necessary to insure that the premises upon which said animals are kept do not become a hazard to public health or welfare due to excessive flies, vermin or odor. Said premises shall be subject to inspection by the Animal Control Officer.

(Ord. 2-1985 §II; Ord. 96-01 §III)

Sec. 7-164-123, - Permit required; fee.

A permit shall be required for an individual household to keep horses within the Town. Upon receiving an application for said permit, the Town Clerk shall request the Animal Control Officer to inspect the proposed premises to determine if the requirements provided in this Article are satisfied by the applicant. If said requirements are satisfied, a permit shall be issued for one (1) calendar year, expiring on January 31 of each year, for which a fee as established by resolution of the Board of Trustees shall be charged. The permit is not transferable and shall be issued only for the horse listed in the application procedure. If, at any time the premises upon which horses are kept fail to satisfy the requirements of this Article, said permit may be revoked by the Board of Trustees.

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~~(Ord. 2-1985 §II; Ord. 92-04 §1; Ord. 96-01 §III)~~

~~Sec. 7-165. - Number of horses per household.~~

~~It shall be unlawful to keep, maintain or possess upon the premise of any one (1) household more than two (2) horses.~~

~~(Ord. 2-1985 §II; Ord. 96-01 §III)~~

~~Sec. 7-166. - Stable, commercial.~~

~~It shall be unlawful to keep, maintain or possess upon any premises a commercial stable business.~~

~~(Ord. 2 1985 §II; Ord. 96 01 §III)~~

Secs. ~~7-167~~ ~~7-180~~ ~~6-124~~ ~~6-135~~. - Reserved.

ARTICLE VII - Wildlife

Sec. ~~7-1816~~-136. - 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 to, attraction to or enticement of wildlife.

(b) Bird feeders are allowed. However, between the dates of April 1 and the last day of November, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and other large mammals. In addition, the area below the feeders must be kept free from the accumulation of debris.

~~(Ord. 02-2004 §III)~~

Sec. ~~7-1826-137~~. - Penalty.

~~The penalty fines for violations existing within this Article shall be established by resolution of the Board of Trustees.~~

~~(Ord. 02-2004 §III)~~

Any person who shall be convicted of a violation of any Section hereunder shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is committed or permitted to continue shall constitute a separate offense subject to the penalties provided for in Section 7-9.

Secs. ~~7-183—7-2006-138—6-145.~~ - Reserved

ARTICLE VIII - Trees

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Sec. ~~7-2016-146~~, - Purpose.

The purpose of this Article is:

- (1) To provide for the abatement of nuisance trees on public and private property and to develop a healthy urban forest and park system of diverse tree species to protect against potential pest and disease problems.
- (2) To encourage effective management of said forest through public education on mitigation of wildfire hazards; encourage the creation of defensible space around property structures; and maintain public education towards the goal of a healthy, urban forest in order to maintain the natural beauty of the Town.

~~(Ord. 03-2006 §1)~~

Sec. ~~7-2026-147~~, - Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given in this Section:

Infestation control shall mean the process defined herein whereby infested trees may be cut, as per recognized Colorado State Forest Service procedures and policies.

Insect infestation shall mean trees which are infested with mountain pine beetles, Douglas fir beetles, the ips beetle, western spruce budworm or other pestilence, such as dwarf mistletoe, which endangers the well-being of trees.

Nuisance trees are defined as trees which pose a threat to public safety or adjacent public property, including but not limited to public rights-of-ways or trees which harbor any destructive or communicable disease or other pestilence which endangers the well-being of other trees in the Town or which are capable of causing an epidemic spread of insect infestation.

Private trees means any and all trees growing on private property within the Town limits after the effective date of the ordinance from which this section or successor sections derives and which are not defined or designated in this Article as public trees.

Public right-of-way means a portion of property reserved for public use and accepted for such use by the Town to provide circulation and travel to abutting properties, including but not limited to streets, alleys, sidewalks, provisions for public utilities, cut-and-fill slopes and open public spaces.

Public trees means all trees growing on any public rights-of-way or any public property owned by the Town on or after the effective date of the ordinance codified in this Article or its successor ordinances. This does not include public utility easements.

Public utility easement means a portion of land designated for any public, private or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water or stormwater, which directly or indirectly serves the public or any part thereof within the corporate limits of the Town.

Tree topping means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

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~~(Ord. 03-2006 §1)~~

Sec. 7-203. Applicability.

~~The Board of Trustees shall have exclusive power and authority over all trees, plants and shrubs located within public rights-of-way and public property of the Town, and over trees, plants and shrubs located on private property that constitute a nuisance as described herein.~~

~~(Ord. 03-2006 §1)~~

Sec. 7-204. Administration.

~~The Town Clerk is hereby appointed to administer and implement this Article. The Town Clerk is authorized to investigate any place within the Town which reasonably appears to be in violation of the provisions of this Chapter, including the right to enter upon any premises at any reasonable time to make an inspection for the purpose of enforcing this Article.~~

~~(Ord. 03-2006 §1)~~

Sec. 7-2056-148. - Trees on public property.

~~(a) Except as provided herein, it shall be unlawful for any person to engage in tree topping in or upon public rights-of-way or other public property within the Town. Trees severely damaged by storms or other causes, or trees which pose an imminent threat to property or to public safety such that other pruning practices are impractical, may be exempted from this Section at the discretion of the Town Clerk. No tree on public property shall be pruned, transplanted, or removed without written permission from the Town Clerk.~~

~~(Ord. 03-2006 §1)~~

~~(b) Any tree located on Town property in the immediate vicinity of any excavation, demolition or construction site of any building, structure or utilities work, which has potential for injury, shall be protected from such injury utilizing procedures recommended by the Colorado State Forest Service or recognized natural resource professional.~~

Sec. 7-2066-149. - Control of nuisance trees, private property.

~~(a) Duty to trim trees. The owner, agent, manager, lessee, tenant or occupant of any lot or tract of land shall remove or otherwise control any nuisance tree as defined herein, located on such property.~~

~~(b) Upon the discovery of a nuisance tree, the Town Clerk shall cause written notice of violation to be served, either personally or by certified mail, to the record owner of the property or to his or her agent, manager, tenant, lessee or occupant of the premises. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the address of the property, the violation involved and a time limit of fifteen (15) days given to remove or correct the cause of such violation, and be signed by the issuing official of the Town. If the person to be served cannot be determined or located within a reasonable period of time, not to exceed fifteen (15) days, or if a notice which has been mailed is returned undelivered, the Town Clerk shall cause the property where the violation of this Article is located to be~~

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posted in a conspicuous place visible from an adjacent public right-of-way. Such sign shall be posted for a minimum of five (5) days, after which time the notice requirements of this Section shall be deemed complete.

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(c) If, after fifteen (15) days from the date of issuance of the notice of violation of this Article, the violation has not been corrected, a summons and complaint may be issued to the person named in the notice of violation unless satisfactory arrangements for an extension of time have been made with the Town Clerk. Upon the failure to cut, remove and/or remediate any tree being maintained in violation of this Article, the Town is hereby authorized to cause the cutting, removal and/or remediation of such tree at the owner's cost in addition to an administrative expense and penalty provided for violation of this Article.

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Sec. (d) ~~Upon the failure or refusal of the record owner, agent, manager, tenant, lessee or occupant to cut, remove and/or remediate any tree being maintained in violation of this Article, the Town Clerk is hereby authorized to enter such property, after giving proper notice as required herein, and to cause the cutting, removal and/or remediation of such tree. The cost of cutting, removal and/or remediation, plus an administrative expense in an amount as may be established by resolution of the Town, shall be collected from the record owner of such property, in addition to the penalty provided for violation of this Article.~~

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(e) ~~In the event the record owner or agent of the owner of such property fails to pay such costs of cutting, removal and/or remediation of such trees, together with the administrative expense established pursuant to this Article, within thirty (30) days after billing, a lien may be assessed against the property for such costs. The lien thereby created shall be superior and prior to other liens regardless of date, except for liens for general property taxes and special assessments. The Town Clerk shall certify to the County Treasurer the assessments which are not paid within thirty (30) days after billing. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection.~~

~~(Ord. 03-2006 §1)~~

~~Sec. 7-207. Control of nuisance trees, public property.~~

The Town Clerk is directed by the Board of Trustees, and upon review of the budget for such activity, to take appropriate action to remediate nuisance trees located on public property by causing the same to be removed, or by taking other remedial action as recommended by the Colorado State Forest Service or recognized natural resource professional.

~~(Ord. 03-2006 §1)~~

~~Sec. 7-208. Abuse or mutilation of public trees.~~

It is unlawful for any person to prune, transplant or remove any tree on public property without obtaining approval from the Town Clerk.

~~(Ord. 03-2006 §1)~~

~~Sec. 7-209. Protection of public trees near construction activities.~~

Any tree located on Town property in the immediate vicinity of any excavation, demolition or construction site of any building, structure or utilities work, which has potential for injury, shall be protected from such injury utilizing procedures recommended by the Colorado State Forest Service or recognized natural resource professional.

~~(Ord. 03-2006 §1)~~

~~Sec. 7-210.6-150.~~ **- Penalty.**

Persons who fail to comply with any notice issued pursuant to any provision of this Article and convicted of a violation of provisions within this Code shall be subject to a fine. In addition, the Municipal Judge may order the defendant to remove the diseased or nuisance trees within a specified period of time. The penalty fines for violations existing within this Section shall be established by resolution of the Board of Trustees.

~~(Ord. 03-2006 §1)~~

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CHAPTER 7 - Health, Sanitation and Animals

ARTICLE I - Nuisances

Sec. 6-1. - Declaration of nuisances.

Any thing or activity which unreasonably annoys or interferes with the use or enjoyment of public or private property or which constitutes a health or safety hazard, anything that violates the provisions of this Code, or anything declared to be a nuisance by Town ordinance or by statutes or regulations of the State shall be abated in accordance with the provisions contained herein and, in addition, subject to the penalties provided for in Section 6-13.

Sec. 6-2. - Right of entry.

(a) Whenever the Town has reasonable cause to believe a nuisance exists, an authorized representative of the Town may enter upon or into any lot or upon any property, building or premises, with the owner's or occupant's permission, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof. If permission is denied, the Town shall obtain an order by the Municipal Judge or from a court of competent jurisdiction authorizing entry.

(b) Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, the Town may enter into any building or upon any premises, using such reasonable force as may be necessary. An emergency situation includes any situation of imminent danger of loss of, or injury or damage to, life, limb or property, or threat to public safety. It is unlawful for any owner or the owner's agent, manager, lessee or occupant of the building or premises to deny entry to any officer or to resist reasonable force used by any officer acting pursuant to this Chapter.

Sec. 6-3. - Notice of violation and abatement.

(a) If, after investigation, the Town has reason to believe that a lot or parcel of land is being maintained in violation of this Chapter, the Town has the discretion to issue a verbal warning or a written notice of violation. A written notice shall either be served personally or be sent by first-class mail to the owner or the owner's agent, manager, lessee or occupant of the property. If the written notice is sent by mail, the Town shall also cause the property where the violation of this Chapter is located to be posted in a conspicuous place visible from an adjacent public right-of-way. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the address of the property, the violations cited and set a date by which the owner must abate the violation and be signed by the issuing officer.

(b) Upon the failure, neglect or refusal of the owner or the owner's agent, manager, lessee or occupant of the property to remedy the circumstance being maintained in violation of this Chapter, the Town is hereby authorized to enter such property, after giving proper notice of violation as set forth in this Chapter, and to remedy the cited violation. The cost of such abatement plus an administrative fee shall be collected from the record owner of such property and shall apply independently and in addition to the penalty provided for the violation of this Chapter.

(c) In the event the owner or the owner's agent, manager, lessee or occupant of such property fails to pay such costs of abatement within thirty (30) days after billing, a lien may be assessed against the property for such costs. The lien hereby created shall be superior and prior to other

liens regardless of date, except for liens for general property taxes and special assessments. The Town Clerk shall certify to the County Treasurer the assessments which are not paid within thirty (30) days after billing. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection.

(d) In case of any such nuisance in or upon any street, alley, sidewalk, highway or public grounds in the Town, the Town may abate the same forthwith without such notice being given.

(e) nothing set forth in this chapter shall be considered to be a prerequisite for commencing an action for such violation in municipal court.

Sec. 6-4. - Junkyards and dumping grounds.

All places used or maintained as junkyards or dumping grounds for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats, housetrailer or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors, builders or other persons are hereby declared to be a nuisance.

Sec. 6-5. - Discharge of nauseous liquids.

It is unlawful to discharge out of or from or permit to flow, from any house or place, foul or nauseous liquids or substances of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or public place in the Town.

Sec. 6-6. - Stale matter.

It is unlawful to keep, collect or use or cause to be kept, collected or used in the Town any stale, putrid or stinking fat, grease or compost for a nonhousehold use and in a manner which threatens the health and welfare of the Town.

Sec. 6-7. - Sewer inlet.

It is unlawful to deposit in or throw into any sewer, sewer inlet or privy vault that shall have a sewer connection any article whatsoever that might cause such sewer, sewer inlet or privy vault to become nauseous or offensive to others or injurious to public health.

Sec. 6-8. - Dead animals; removal.

When any animal shall die in this Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway or public grounds in this Town, it shall be the duty of the Town to cause such body to be removed forthwith beyond the limits of the Town.

Sec. 6-9. - Stagnant ponds.

Any cellar, vault, drain, sewer, pond of water or other place upon or within any private premises or grounds in the Town that shall be nauseous or offensive to others or injurious to public health through an accumulation or deposition of nauseous, offensive or foul water or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this Article or any other ordinance of the Town.

Sec. 6-10. - Open wells, cisterns or excavations.

It is hereby declared that excavations exceeding five (5) feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5) feet, and it is unlawful for any person to permit such nuisance to remain on the premises owned or occupied by him or her.

Sec. 6-11. - Handbills, posters and placards.

Any handbill, poster, placard or painted or printed matter which shall be stuck, posted or passed upon any public or private house, store or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house, shall be deemed a nuisance and may be abated as provided in this Chapter.

Sec. 6-12. - Prohibiting discharge of sewage, effluent or contaminated matter

- (a) It is unlawful to discharge or to permit or suffer the discharge of sewage, effluent or matter contaminated by sewage or effluent, either upon the surface of the ground or into any creek or waterway within the Town.
- (b) The owners of any property where people live, work or congregate shall provide an adequate sewage disposal system in good working order and constructed, installed and maintained in accordance with rules adopted pursuant to Section 25-10-106, C.R.S., and this Article.
- (c) The Town shall have the authority to have a malfunctioning sewage disposal system pumped or repaired, with the expense to be charged to the property owner.

Sec. 6-13. - Penalty.

Whenever, in any Section of this Article or any regulation promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who shall be convicted of a violation of any such Section shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is committed or permitted to continue shall constitute a separate offense.

Secs. 6-14—6-30. - Reserved.

ARTICLE II - Refuse

Sec. 6-31. - Definitions.

For the purposes of this Article, the following terms shall have the meanings indicated:

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, metal binding, sacks, loose, discarded or unused material, yard waste, tree waste, biological or non-biological waste, 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.

Refuse container means any trash can, dumpster or similar device used for the collection and storage of solid waste or recyclable material with food or the scent of food.

Wildlife means any nondomesticated mammal indigenous to the Ute Pass area, including but not limited to bear, deer, elk, raccoon, coyote, fox, skunk, bobcat, mountain lion and porcupine.

Wildlife-proof enclosure means a fully enclosed structure capable of keeping wildlife out. The door shall have a latching device of sufficient design and strength to prevent access by wildlife.

Wildlife-resistant refuse container means a fully enclosed rigid container with a rigid lid. The lid must have a latching mechanism, which limits access to the contents by wildlife. Plastic bags are not wildlife-resistant refuse containers.

Sec. 6-32. - Accumulation and deposit of refuse; prohibited and declared nuisance.

(a) Any accumulation of refuse or deposit of any refuse, including yard and tree waste, other than in closed containers, on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance. No person shall in any manner throw, place, scatter, deposit or bury, or set on fire or burn any refuse or other combustible materials, deposit refuse or waste materials or ashes in or upon any public street, alley or other public place or upon his or her own premises or the premises of another.

(b) All refuse shall be removed periodically from all premises in the Town so that the premises are clean and orderly at all times. All loose, discarded or unused building material from construction sites shall be promptly removed or discarded by the person responsible for such work. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Town or the Fire Chief, such removal to be handled by the establishments responsible therefor.

Sec. 6-33. - Wildlife-resistant refuse containers or enclosures required.

Except for a container which has a minimum of seven (7) days per week pickup, any refuse container, regardless of size, including construction site containers that receives, between the dates of April 1 and the last day of November, inclusive, refuse which is edible by bears or other wildlife, shall be kept closed and secure in either:

- (1) An approved wildlife-proof enclosure or;
- (2) A wildlife-resistant refuse container which is stored within a building, house, garage or approved wildlife-proof enclosure.

If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within one (1) week after written notification by the Marshal's office or Town is received.

Sec. 6-34. - Residential refuse disposal.

(a) Residents with curbside pickup shall place their refuse containers outside only on the morning of pickup. After pickup, the containers must be stored inside the home, garage or wildlife-proof enclosure by 9:00 p.m.

(b) Plastic bags are not considered an acceptable container for refuse edible by wildlife.

Sec. 6-35. - Special event refuse disposal.

Outdoor special event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in wildlife-proof enclosures or be removed to an appropriate disposal site.

Sec. 6-36. - Penalty.

Any person who shall be convicted of a violation of any Section hereunder shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is committed or permitted to continue shall constitute a separate offense subject to the penalties provided for in Section 6-13.

Secs. 6-37—6-50. - Reserved.

ARTICLE III - Weeds and Brush**Sec. 6-51. - Definitions.**

For the purpose of this Article, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

- (1) *Brush* means any unsightly, useless, troublesome or injurious volunteer growth of bushes or shrubbery, which shall include all cuttings from said bushes and shrubbery.
- (2) *Weed* means any unsightly, useless, troublesome or injurious herbaceous plant including, but not limited to, those undesirable plants commonly known as leafy spurge, diffuse knapweed, Russian knapweed and spotted knapweed.

Sec. 6-52. - Declaration of nuisance and removal.

- (a) Any weeds or brush found growing in any lot or tract of land in the Town is 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.
- (b) 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
- (c) All weeds and brush cut in accordance with Section 7-74 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.

Secs. 6-53—6-70. - Reserved.

ARTICLE IV - Animals**Sec. 6-71. - Definitions.**

Whenever in this Chapter the words hereinafter defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

(1) *Animal Control Officer* means the person, persons, firm, club, association, partnership, society, corporation or other organization employed or appointed by the Town to carry out and enforce the provisions of this Article.

(2) *At large* means:

Off the premises of the owner, other than on or within a vehicle, and not under the control of the owner or a member of his or her immediate family or other competent, responsible and/or authorized person by means of a restraining device which keeps the animal within ten (10) feet of the controlling party; or

(3) *Exotic Animal* means an animal that is not a household pet or livestock, is wild in nature and may or may not have the ability to inflict bodily harm on humans, including, without limitation, snakes in excess of four feet in length.

(4) *Owner* means any person or persons, firm, association, club, corporation, partnership, society or any other organization owning, keeping, possessing or harboring animals, or designated in such capacity by the owner as hereinafter set forth.

(5) *Vicious animal* means any animal that, unprovoked, bites or attacks persons or other animals, either on public or private property, or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks or any public ground or place.

Sec. 6-72. - Running at large prohibited.

It is unlawful for any owner of any animal to permit the same to run at large within the Town.

Sec. 6-73. - Impoundment of animals running at large; costs.

If any animal shall be found running at large, may be impounded and shall not be released until any and all applicable charges are paid.

Sec. 6-74. - Disposition and/or adoption of impounded animals.

If the owner or person entitled to the possession of an animal does not pay any and all applicable charges and claim the animal within three (3) calendar days of the date of impoundment, the policies and procedures of the Humane Society of the Pikes Peak Region for disposition, including placement for adoption will be followed.

Sec. 6-75. - Cruelty to animals.

(a) It is unlawful for any person to overdrive, overload, drive when overloaded or overwork any animal, cruelly beat, cruelly mutilate or torture any animal, needlessly shoot at, wound, capture or in any other manner needlessly molest, injure or kill any animal, or carry, transport or keep in a cruel manner any animal, or to cause any of these acts to be done.

(b) Having the charge and custody of any animal, it is unlawful to fail to provide it with proper food, drink or protection from the weather, or abandon it.

Sec. 6-76. - Improper care of animals prohibited.

(a) It is unlawful for any person owning or keeping an animal to fail to provide it with adequate space consistent with normal requirements and habits of the animal's size, species and breed, or otherwise neglect to provide necessary care of any animal or to cause any of these acts to be done.

(b) It is unlawful for any person owning or keeping any animal to keep it under conditions where its enclosure is overcrowded, unclean or unhealthy, or to cause any of these conditions. An enclosure is unclean when it contains more than one (1) day's elimination of each animal enclosed therein.

(c) It is unlawful for any person owning or keeping any animal to fail to provide proper and necessary medical care to said animal when it is injured or in need of said care.

Sec. 6-77. - Animal fighting prohibited.

It is unlawful for a person to keep, cause, sponsor, arrange, hold or encourage a fight between animals for any purpose.

Sec. 6-78. - Limit on number of animals.

(a) It is unlawful for any resident in the Town to have more than the following number of each type of pet unless the residence is licensed as a kennel pursuant to this Code, or unless the maximum number is exceeded by pets of less than six months of age:

- (1) Dogs: four.
- (2) Cats: four.
- (3) Rabbits: six.
- (4) Pot-bellied pigs: three.
- (5) Ferrets: three
- (6) Reptiles (non-exotic): four.
- (7) Hens: six.
- (8) Roosters: zero/one
- (9) Horses: two.

(b) It is unlawful to keep, own, harbor or allow to run free any exotic animal or any livestock of a type not listed above within the Town.

(c) Notwithstanding any other provision of the Green Mountain Falls Municipal Code, use of animals otherwise prohibited may be allowed by special use permit from the Town pursuant to Section 16-710 for commercial purposes, subject to such conditions and restrictions as may be imposed by the Board of Trustees.

Sec. 6-79. - Removal of animal excrement.

The owner, possessor or keeper of any animal that defecates upon public or private property belonging to another shall pick up and remove the feces immediately and properly dispose of such feces. Failure to comply with this Section constitutes a violation of this Code.

Sec. 6-80. - Noisy animals.

It is unlawful to harbor or keep any animal which disturbs the peace by unreasonable sounds at any time of the day or night.

Secs. 6-81—6-100. - Reserved.

ARTICLE V - Dogs

Sec. 6-100. - Definitions.

Dog means any domesticated animal of the species *Canis familiaris*, or other species of the family *Canidae* over three (3) months of age.

Sec. 6-101. - License required.

It is unlawful to own, keep or harbor a dog within the Town unless the same is licensed by securing a license for such dog from the Town on or before January 31 of each year or within thirty (30) days after the dog reaches the age of three (3) months. Dogs purchased, obtained or otherwise acquired subsequent to January 31 in any calendar year shall be licensed within thirty (30) days after becoming such residents to secure a license hereunder. Said license shall be issued by the Town upon application stating the name, breed, color and sex of the dog, and name, address and phone number of the owner and upon production of satisfactory evidence that such dog has been inoculated against rabies pursuant to prevailing standards of the Colorado Department of Public Health or other controlling agency, and upon payment of the license fee.

Sec. 6-102. - License fee.

The annual license fees for dogs within the Town shall be established by resolution of the Board of Trustees.

Sec. 6-103. - License tag and collar.

Upon compliance with Section 6-101, the Town shall issue to the owner of the dog a numbered metallic tag, stamped with the number and the year for which issued. Such tag shall be securely fastened to said dog's choke chain, collar or harness and must be worn by the dog at all times.

Sec. 6-104. - Impoundment generally.

(a) It shall be lawful for the Animal Control Officer to impound any dog which is not wearing a dog tag as herein provided. It shall be lawful for the Animal Control Officer to impound any dog at large. It shall be lawful for the officer to go upon private property for the purpose of catching any dog to be impounded. The Town shall provide notice of impoundment to the owner of such dog, if the owner is known, or shall cause notice of impoundment to be posted at the Town Marshal's office to be posted for seventy-two (72) hours.

(b) It shall be lawful for the Animal Control Officer to take any impounded animal to the Humane Society of the Pikes Peak Region.

(c) An impounded dog shall not be released until all applicable fees and penalties, including rabies inoculation fees, are paid to all agencies involved. If the dog does not have a Town license, said license shall be obtained from the Town within seventy-two (72) hours after release.

(d) The failure or refusal to retrieve any impounded dog by the owner of said animal shall not relieve the person of the duty to pay the impoundment fee and other charges, including medical costs, which have been assessed. It is unlawful for the owner of any dog to fail or refuse to pay such fees and charges.

Sec. 6-105. - Female dogs in heat.

Any unspayed female dog, while in heat or suspected of being in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or other enclosure shall be so constructed or situated so as to prevent other dogs from gaining access.

Sec. 6-106. - Vicious dogs.

It is unlawful for any person to own, keep, possess or harbor within the Town a vicious dog, as defined in Section 7-91(4). It shall be the duty of the Animal Control Officer to impound any dog which is vicious. In the event a vicious dog cannot be caught, without the officer exposing himself or herself to danger or personal injury from such dog, it shall be lawful for the officer to forthwith destroy such dog without notice to the owner thereof.

Sec. 6-107. - Confinement of biting dogs.

(a) The owner of any dog which has bitten or is suspected of having bitten any person, or which is suspected of having rabies, shall notify the Animal Control Officer.

(b) Any dog which has bitten or is suspected to have bitten any person or which is suspected of having rabies shall be confined upon order of the Town for a period of ten (10) days for observation. Such dog shall either be confined at the residence of the owner, if such confinement can be accomplished without exposing such dog to the public or, at the option of the Town, such dog shall be confined at the Humane Society of the Pikes Peak Region or a private veterinary hospital at the expense of the owner. It is unlawful for any owner of such dog to permit such dog during confinement to come into contact with the public.

Sec. 6-108. - Barking dogs prohibited.

No person owning or keeping a dog shall fail to prevent such dog from disturbing the peace and quiet of any other person within the Town by loud, and/or persistent barking, baying, howling, fighting, yiping, crying, yelping or whining, whether the animal is on or off the owner's or keeper's premises.

Sec. 6-109. - Penalty.

Any person who shall be convicted of a violation of any Section hereunder shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is committed or permitted to continue shall constitute a separate offense subject to the penalties provided for in Section 6-13.

Secs. 6-110—6-120. - Reserved.

ARTICLE VI - Horses

Sec. 6-121. - Property size requirements.

Within the Town, horses shall be kept on property which is two and one-half (2 ½) acres or larger in size, provided that said animals are fenced back from the property line a minimum of ten (10) feet and that all other applicable requirements herein provided are satisfied, except for any horse with a permit issued prior to the passage of this Article (April 1996).

Sec. 6-122. - Enclosures.

Horses shall be kept in a suitable fenced enclosure, corral or pen in which said animals shall be restrained, providing a minimum area of one thousand five hundred (1,500) square feet per animal. Said enclosure, corral or pen or any shelter, shed, stable or barn in which horses are housed shall be located a minimum distance of seventy-five (75) feet from any neighboring house, dwelling or place of business.

Sec. 6-123. - Permit required; fee.

A permit shall be required for an individual household to keep horses within the Town. Upon receiving an application for said permit, the Town shall request the Animal Control Officer to inspect the proposed premises to determine if the requirements provided in this Article are satisfied by the applicant. If said requirements are satisfied, a permit shall be issued for one (1) calendar year, expiring on January 31 of each year, for which a fee as established by resolution of the Board of Trustees shall be charged. The permit is not transferable and shall be issued only for the horse listed in the application procedure. If, at any time the premises upon which horses are kept fail to satisfy the requirements of this Article, said permit may be revoked by the Board of Trustees

Secs. 6-124—6-135. - Reserved.

ARTICLE VII - Wildlife

Sec. 6-136. - 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 to, attraction to or enticement of wildlife.
- (b) Bird feeders are allowed. However, between the dates of April 1 and the last day of November, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and other large mammals. In addition, the area below the feeders must be kept free from the accumulation of debris.

Sec. 6-137. - Penalty.

Any person who shall be convicted of a violation of any Section hereunder shall be punished pursuant to Section 1-42 of this Code. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove any violation of this chapter in which event the Town shall be entitled to recover court costs and attorney fees. Each day that such violation is

committed or permitted to continue shall constitute a separate offense subject to the penalties provided for in Section 7-9.

Secs. 6-138—6-145. - Reserved

ARTICLE VIII - Trees

Sec. 6-146. - Purpose.

The purpose of this Article is:

- (1) To provide for the abatement of nuisance trees on public and private property and to develop a healthy urban forest and park system of diverse tree species to protect against potential pest and disease problems.
- (2) To encourage effective management of said forest through public education on mitigation of wildfire hazards; encourage the creation of defensible space around property structures; and maintain public education towards the goal of a healthy, urban forest in order to maintain the natural beauty of the Town.

Sec. 6-147. - Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given in this Section:

Infestation control shall mean the process defined herein whereby infested trees may be cut, as per recognized Colorado State Forest Service procedures and policies.

Insect infestation shall mean trees which are infested with mountain pine beetles, Douglas fir beetles, the ips beetle, western spruce budworm or other pestilence, such as dwarf mistletoe, which endangers the well-being of trees.

Nuisance trees are defined as trees which pose a threat to public safety or adjacent public property, including but not limited to public rights-of-ways or trees which pose a fire hazard, harbor any destructive or communicable disease or other pestilence which endangers the well-being of other trees in the Town or which are capable of causing an epidemic spread of insect infestation.

Private trees means any and all trees growing on private property within the Town limits after the effective date of the ordinance from which this section or successor sections derives and which are not defined or designated in this Article as public trees.

Public right-of-way means a portion of property reserved for public use and accepted for such use by the Town to provide circulation and travel to abutting properties, including but not limited to streets, alleys, sidewalks, provisions for public utilities, cut-and-fill slopes and open public spaces.

Public trees means all trees growing on any public rights-of-way or any public property owned by the Town on or after the effective date of the ordinance codified in this Article or its successor ordinances. This does not include public utility easements.

Public utility easement means a portion of land designated for any public, private or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water or stormwater, which directly or indirectly serves the public or any part thereof within the corporate limits of the Town.

Tree topping means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Sec. 6-148. - Trees on public property.

(a) Except as provided herein, it is unlawful for any person to engage in tree topping in or upon public rights-of-way or other public property within the Town. Trees severely damaged by storms or other causes, or trees which pose an imminent threat to property or to public safety such that other pruning practices are impractical, may be exempted from this Section at the discretion of the Town. No tree on public property shall be pruned, transplanted, or removed without written permission from the Town.

(b) Any tree located on Town property in the immediate vicinity of any excavation, demolition or construction site of any building, structure or utilities work, which has potential for injury, shall be protected from such injury utilizing procedures recommended by the Colorado State Forest Service or recognized natural resource professional.

Sec. 6-149. - Control of nuisance trees, private property.

(a) Duty to trim trees. The owner, agent, manager, lessee, tenant or occupant of any lot or tract of land shall remove or otherwise control any nuisance tree as defined herein, located on such property.

(b) Upon the discovery of a nuisance tree, the Town shall cause written notice of violation to be served, either personally or by certified mail, to the record owner of the property or to his or her agent, manager, tenant, lessee or occupant of the premises.

(c) If, after fifteen (15) days from the date of issuance of the notice of violation of this Article, the violation has not been corrected, a summons and complaint may be issued to the person named in the notice of violation unless satisfactory arrangements for an extension of time have been made with the Town. Upon the failure to cut, remove and/or remediate any tree being maintained in violation of this Article, the Town is hereby authorized to cause the cutting, removal and/or remediation of such tree at the owner's cost in addition to an administrative expense and penalty provided for violation of this Article.

Sec. 6-150. - Penalty.

Persons who fail to comply with any notice issued pursuant to any provision of this Article and convicted of a violation of provisions within this Code shall be subject to a fine. In addition, the Municipal Judge may order the defendant to remove the diseased or nuisance trees within a specified period of time. The penalty fines for violations existing within this Section shall be established by resolution of the Board of Trustees.

CHAPTER 8 - Vehicles and Traffic

ARTICLE I - Model Traffic Code

Sec. 8-1. - Adoption.

Pursuant to ~~Parts 1 through 16, inclusive, C.R.S. § 31-15-103, and Parts 18 and 19 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S. § 31-16-201, et seq.,~~ there is hereby adopted by reference the ~~2010~~2020 edition of the *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222, ~~as amended by Section 8-2 below.~~ The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. ~~The purpose of this Article and the Code adopted herein is to provide a system of traffic regulations generally conforming to similar regulations throughout the State and the nation. One (1) copy of the Model Traffic Code adopted herein shall be filed in the office of the Town Clerk and may be inspected during regular business hours.~~

~~(Ord. 01-2012 §1)~~

Sec. 8-2. - ~~Deletions~~Amendments.

The ~~2010~~2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following ~~articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:~~ Part 17, Penalties and Procedures ~~additions, deletions or modifications;~~

~~(Ord. 01-2012 §1)a)~~

~~Sec. 8-3. - Additions or modifications.~~

Section 1101(2) is ~~amended~~modified to read as follows:

"Speed limits within the Town are set at 25 mph on Ute Pass Avenue and Green Mountain Falls Road and 20 mph on all other streets unless otherwise posted, as defined in Section 8-~~54~~ of the Green Mountain Falls Municipal Code."

~~(Ord. 01-2012 §1)~~

~~(b)~~ Part 17, Penalties and Procedures is deleted in its entirety.

Sec. 8-~~43~~. - Application.

This Article shall apply to every street, alley, sidewalk area, driveway and park and to every other public way, public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the ~~adopted~~ Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

~~(Ord. 03-2003 §5)~~

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~~Sec. 8-5. Interpretation.~~

~~This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provision of any article or section thereof.~~

~~(Ord. 03-2003 §8)~~

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~~Sec. 8-6. Certification.~~

~~The Town Clerk shall certify to the passage of the ordinance codified herein and make not less than three (3) copies of the adopted code available for inspection by the public during regular business hours.~~

~~(Ord. 03-2003 §9)~~

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~~Sec. 8-7. Four way stop signs; Hotel Street and Ute Pass Avenue.~~

~~(a) Four way stop signs shall be installed at the intersection of Hotel Street and Ute Pass Avenue in the Town and traffic shall be regulated and controlled by said stop signs. All vehicles shall be required to stop at the intersection of Hotel Street and Ute Pass Avenue before proceeding.~~

~~(b) The Maintenance Department and the Marshal's Department shall be and hereby are directed to cooperate in the installation and maintenance of said stop signs, and the Marshal's Department is hereby directed to enforce the lawful requirement that vehicles stop at the intersection of Hotel Street and Ute Pass Avenue prior to proceeding through said intersection.~~

~~(Ord. 6-1982)~~

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~~Sec. 8-8. - Speed limits for all streets.~~

~~(a) Speed limits within the Town shall be set at 25 mph on Ute Pass Avenue and Green Mountain Falls Road and 20 mph on all other streets, unless otherwise posted.~~

~~(b) Signs containing the general speed limit of 2520 mph shall be placed at both entrances to the Town.~~

~~(Ord. 9-1988)~~

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~~Sec. 8-95. - Civil and criminal violations, right to jury trial, and penalties.~~

~~(a) It is unlawful for any person to violate any of the provisions of this Chapter or of the Model Traffic Code for Colorado, as adopted by the Town of Green Mountain Falls. It is a criminal traffic offense for any person to violate any of the following provisions of the 2010 Edition of the Model Traffic Code for Colorado as adopted, and from time to time modified, by the Town of Green Mountain Falls, where the offense is deemed a misdemeanor traffic offense under the Model Traffic Code or by counterpart State law.~~

~~(1) When the person is arrested and charged with an offense under this code causing or contributing to an accident resulting in injury or death to any person;~~

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(2) ~~When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;~~

(3) ~~Reckless driving;~~

(4) ~~Exceeding the speed limit by more than twenty-four (24) miles per hour;~~

(5) ~~Exhibition of speed or speed contest;~~

(6) ~~In any other event when the provisions of Part 17 of the 2010 Edition of the Model Traffic Code for Colorado apply and the person arrested refuses to give his or her written promise to appear in court as provided in Section 1707.~~

(b) ~~Except for those violations classified as criminal traffic offenses pursuant to Subsection (a) of this Section, all violations of this Chapter or of the 2010 Edition Model Traffic Code for Colorado, as adopted by the Town of Green Mountain Falls, are hereby classified as noncriminal traffic infractions which shall be deemed to be civil matters. The Colorado Municipal Court Rules of Procedure shall apply to proceedings in which the defendant is charged with such noncriminal traffic infractions, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction. Instead, the court may enter a judgment of liability by default against the defendant for any such failure to appear; assess any penalty and costs established by law; and report the judgment to the Colorado Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privileges and may deny an application for or renewal of the defendant's driver's license until the judgment and all other lawful costs are satisfied. Further, no writ of mittimus shall issue where the only basis for the fine and costs imposed was the finding of guilty or liability for a noncriminal traffic infraction.~~

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(c) ~~Any defendant charged with a criminal traffic offense, as defined in Subsection (a) of this Section, shall have the right to demand a trial by jury upon compliance with the provisions of Colorado law and the Colorado Municipal Court Rules of Procedure, except no such right to a jury trial shall exist if the prosecutor indicates in writing that the Town will not seek imposition of a jail sentence in connection with the matter.~~ No defendant shall have a right to a trial by jury for any noncriminal traffic infraction, as defined in Subsection (b) of this Section. In the event that a defendant is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged violations is listed in Subsection (a) of this Section, the defendant shall have the right to demand a trial by jury as to all such offenses, which shall be consolidated for purposes of trial, ~~except no such right to a jury trial shall exist if the prosecutor indicates in writing that the Town will not seek imposition of a jail sentence in connection with any of the violations involved in the matter.~~

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(d) ~~Penalties.~~

(1) ~~Any person convicted of a criminal traffic offense, as defined in Subsection (a) of this Section, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00), or by imprisonment for not more than ninety (90) days exceeding one year, or by both such fine and imprisonment;~~

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(2) ~~Any person admitting liability for, found to have committed, or against whom a default judgment has been entered for any noncriminal traffic infraction, as defined in Subsection (b) of this Section, shall be fined in an amount not exceeding two thousand six hundred and fifty-nine dollars (\$2,650.00). The Board of Trustees may set and amend specific fines by resolution. No defendant found to have committed any noncriminal traffic infraction shall be punished by imprisonment for such infraction.~~

(e) ~~Costs and surcharges. The Town of Green Mountain Falls assesses the following court costs and surcharges upon each conviction, admission of liability for, finding of guilt of, or entry of default judgment for any offense as defined in Subsections (a) or (b) of this Section:~~

Court cost per appearance:	\$30.00
Surcharge per offense:	\$20.00

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(f) ~~Penalty assessment schedule. The Town of Green Mountain Falls establishes the minimum fines for each of the following violations, excluding the additions of costs and surcharges, as follows:~~

Speeding 10-19 over	\$125.00
Speeding 20+ over	\$200.00
Careless driving	\$125.00
Failure to stop at a stop sign	\$ 75.00
Seat belts (18 or older)	\$ 55.00
Seat belt (under 18)	\$ 75.00
Compulsory insurance	\$500.00

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(g) ~~The amounts set forth above in (d), (e), and (f) of this Section may be adjusted from time to time by resolution duly adopted by the Board of Trustees.~~

~~(Ord. 01-2012 §1; Ord. No. 12-15-2015A, § 1, 12-15-2015)~~

~~**Editor's note**—Ord. No. 12-15-2015A, § 1, adopted Dec. 15, 2015, changed the title of § 8-9 from "Penalties" to read as herein set out.~~

~~Secs. 8-106—8-20. - Reserved.~~

~~ARTICLE II - Abandoned and~~ **Junked Vehicles on Private Property.**

Sec. 8-21. - Definitions.

The following definitions shall apply in the interpretation of this Article:

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Junk vehicle means any of the following:

- a. — ~~Any inoperable motorized vehicle;~~
- b. — ~~Any nonmotorized vehicle which is not capable of highway travel in connection with its normal power source; or~~
- c. — ~~Any vehicle not bearing current license plates, unless exempt from registration, to be consistent with State statutes regarding licensing and registration.~~

~~Person means any person, firm, partnership, association or corporation.~~

~~Property. Private property~~ means any real property within the incorporated limits of the Town which is not a street ~~or~~ highway ~~or public property of the Town, federal government, county, or state,~~

Vehicle means a machine propelled or pulled by power other than human power designed to travel along the ground by use of wheels, treads, tracks, runners or slides and ~~shall include,~~ includes, without limitation, an automobile, truck, motorcycle, tractor, field machinery, bus, camper, utility and travel trailer, bulldozer, earth moving or compacting equipment, backhoe or truck bed/box.

~~(Ord. 1-1988 §2)~~

Sec. 8-22. ~~Abandoned vehicles.~~

~~No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town and for such time or under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.~~

~~(Ord. 1-1988 §3)~~

Sec. 8-23. ~~Junk vehicles on street.~~

~~No person shall leave any junk vehicle on any street or highway within the Town.~~

~~(Ord. 1-1988 §4)~~

~~private~~ Sec. 8-24. ~~Junk vehicles on property.~~

~~No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junk vehicle to remain on such property longer than thirty (30) days; except that this Section shall not apply with regard to a vehicle within an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place maintained in a lawful manner by the Town.~~

~~(Ord. 1-1988 §5)~~

Sec. 8-25. ~~23~~. - Filling stations and garages.

~~Repair or dismantling of automobiles and other vehicles and storing of parts and accessories thereto shall be permitted as an accessory use to filling stations and garages only when such repairing or dismantling is conducted within an entirely enclosed building.~~

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(Ord. 1-1988 §6)

Sec. 8-2624. - Collector's items.

Vehicles defined as *collector's items* by Section C.R.S. § 42-15-101, C.R. Set seq., shall be allowed, subject to the limitation that no more than one (1) vehicle so defined which has not been rebuilt shall be kept outside of a building on any property.

(Ord. 1-1988 §7)

Sec. 8-2725. - Notice of violation.

Before a summons and complaint may be issued for violations of this Article, the Town Marshal shall deliver a notice to the occupant and owner of the private property, requesting removal of the junk/abandoned vehicle from the property within thirty (30) days. If the junk/abandoned vehicle is not removed within thirty (30) days, both the owner and the occupant of the property may be issued a summons and complaint for violation of this Section Article. Delivery of the notice may be in person or by certified mail, return receipt requested, addressed to the owner or occupant at his or her their last known address, effective upon mailing.

(Ord. 1-1988 §8)

Sec. 8-2826. - Impoundment.

After proper notice as provided in Section 8-2725 above, the Town Marshal is authorized to remove or have removed any vehicle left any place in the Town which reasonably appears to be in violation of this Article. All costs incurred by such impoundment, including towing expenses, shall be the responsibility of the owner and occupant of the property. If such costs are not paid after billing, the Town may place a lien against the property upon which the junk/abandoned vehicle was stored for the amount of any costs the Town has incurred. Such lien shall remain against the property and may be foreclosed through court at the option of the Town.

(Ord. 1-1988 §9)

Secs. 8-2927—8-40. - Reserved.

ARTICLE III – Parking

Sec. 8-41. - Purpose.

This Article is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of the Town by motor vehicle congestion, particularly parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents to park and do business near their homes.

Sec. 8-42. - Definitions.

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The following definitions shall apply in the interpretation of this Article:

One-day visitor permit means a permit issued under this Article that is valid for one 24-hour period, whose owner or principal operator may not reside within the Town.

Parking permit means either a residential parking permit issued to residents of the Town pursuant to this Article, or a one-day visitor permit issued pursuant to this Article.

Public street means any road, street, or similar facility under the jurisdiction of and maintained by a public agency and open to public travel.

Residential parking permit means a parking permit issued under this Article to a vehicle whose owner or principal operator resides within the Town.

Area marked for residential parking means an area designated pursuant to **Section 8-43** of this Article.

Vehicle means a machine propelled or pulled by power other than human power designed to travel along the ground by use of wheels, treads, tracks, runners or slides and shall include, without limitation, an automobile, truck, motorcycle, tractor, field machinery, bus, camper, utility and travel trailer, bulldozer, earth moving or compacting equipment, backhoe or truck bed/box.

Sec. 8-43. – Residential Parking Permit Issuance.

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(a) The Town shall issue residential parking permits to residents upon application to the Town Clerk and for a fee established by resolution of the Board of Trustees. The application shall require, at a minimum, the name of the owner or operator of the vehicle to be permitted, the residential address of the owner or operator of the vehicle to be permitted, the owner or operator's state driver's license number, and the vehicle make, model and license plate number. The applicant shall provide proof of residency as required by the Town Clerk.

(b) Residential parking permits shall be issued specific to a vehicle listed on the application to the Town Clerk. To be valid, each residential parking permit shall be permanently adhered to the inside bottom driver side corner of the windshield of the vehicle to which the residential parking permit is registered. A residential parking permit that is not permanently adhered shall not be a valid permit.

(c) There shall be no limit to the number of residential parking permits issued to a residence, provided that no residential parking permit shall be issued for a vehicle whose owner or principal operator does not reside at the residence.

(d) An applicant may obtain a replacement residential parking permit in the same manner and for the same fee as the original residential permit upon providing evidence satisfactory to the Town Clerk that the original permit has been lost or destroyed.

(e) Each residential parking permit issued by the Town shall be valid for one year from the date of issuance by the Town Clerk.

Sec. 8-44. – One-Day Visitor Permit Issuance.

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(a) The Town shall issue one-day visitor permits to residents upon application to the Town Clerk and for a fee established by resolution of the Board of Trustees. The application shall require, at a minimum, the name of the resident requesting the one-day visitor permit and the residential address of the resident requesting the one-day visitor permit. The applicant shall provide proof of residency as required by the Town Clerk.

(b) One-day visitor permits shall be issued to residents and are intended for use by guests of residents. One-day visitor permits are not specific to a vehicle upon issuance. However, to be valid, each one-day visitor permit shall be fully filled out in ink or permanent marker and displayed inside the vehicle dashboard so that the permit is easily visible and decipherable from outside the vehicle. A one-day visitor permit that does not provide all required information or that is displayed improperly shall not be a valid permit.

(c) Each residence is limited to five (5) packs of one-day visitor permits per calendar year, with each pack containing twenty (20) blank permits.

(d) Each blank one-day visitor permit issued by the Town shall be valid for one year from the date of issuance by the Town Clerk. Once filled out by the resident or guest and placed into use, each one-day visitor permit shall be valid for one 24-hour period.

Sec. 8-45. – Residential Street Parking.

(a) It is unlawful for any person to park a vehicle on any public street in an area marked for residential parking without displaying a valid parking permit issued by the Town authorizing the vehicle to be parked in that area. In addition to any other requirements of this Article, a parking permit must be current, displayed at all pertinent times the vehicle is parked, and visible from the roadway for the parking tag to be deemed valid.

(b) The Town Manager shall direct the installation of all necessary signage or pavement markings to establish the residential areas in which this Section shall apply.

(c) The following are exempt from the requirements of this Section:

(1) A vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work;

(2) A vehicle that is owned by or operated under contract to a federal, state, or local governmental agency and was being used in the course of official government business;

(3) An authorized emergency vehicle; and

(4) A motor vehicle used for delivery or service business purposes, including without limitation vehicles such as moving vans and sanitation, repair, electrical and plumbing service vehicles, while conducting business.

Sec. 8-46. – Designation of Area to be Marked for Residential Parking.

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(a) The Board of Trustees shall designate by ordinance those residential areas within the Town with chronic parking problems as areas to be marked for residential parking.

(b) The Board of Trustees, in making a determination of designation under this Section, shall consider the following criteria:

(1) The extent to which vehicles parking in the area are vehicles displaying out of state or out of town license plates indicating that the vehicle belongs to a nonresident of the Town;

(2) The extent to which residents cannot obtain adequate public street parking adjacent to or near their residences because of widespread use of parking spaces by out of town vehicles;

(3) The effect on the health, safety, and welfare of the residents along the public street from intensive use of the residential public street, including increased polluted air, excessive noise, trash, and refuse caused by the entry and exit of non-resident vehicles;

(4) The deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area, including detriment to the natural rural mountain character of such residential areas and neighborhoods and increased hazard to children and other pedestrians;

(5) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems identified in this Section; and

(6) Evidence of support of the residents in the proposed area to be marked for residential parking for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of permits authorized by this Article.

(c) As soon as practicable following the adoption of an ordinance designating or extending a residential parking permit area, the Town Clerk shall mail to the occupant of every address within the area to be marked for residential parking a written notice containing the following information:

(1) The existence and boundaries of the area to be marked for residential parking;

(2) The parking restrictions applicable to all vehicles on public streets in the designated area;

(3) The effective date of the ordinance; and

(4) The procedures and associated fees to obtain parking permits.

Sec. 8-47. – Parking in Private Driveway or on Private Property.

It is unlawful for any person to park or stand a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading, in a private

driveway or on private property without the express consent of the owner or person in lawful possession of such driveway or property.

Sec. 8-48. – Metered Parking.

(a) It is unlawful for any person to park a vehicle in any Town-owned or Town-controlled on or off-street, paid or permit-required parking lot or parking space at any time without immediately depositing or causing to be deposited payment in the parking meter for the time used during the applicable hours of operation and on the applicable days of operation of such parking meter, as indicated by the sign accompanying such parking meter, or without displaying a valid residential parking permit authorizing such vehicle to be parked at the location. In addition to any other requirements of this Article, a parking permit must be current, displayed at all pertinent times the vehicle is parked, and visible from the roadway for the parking tag to be deemed valid.

(b) Vehicles displaying a valid residential parking permit may be parked in a Town-owned or Town-controlled on or off-street paid parking lot or parking space without paying the meter. One-day visitor parking permits remain subject to the requirements of this Section and must observe all requirements when parking in any Town-owned or Town-controlled on or off-street paid parking lot or parking space.

(c) Parking meters shall display the dates and times that parking restrictions are in place and shall display the hourly or daily charges which are reasonably necessary to defray the expenses incurred incident to this Article.

(d) The Town Manager shall direct the installation of all parking meters and all necessary signage or pavement markings to establish the areas in which this Section shall apply, as follows:

(1) Official signs indicating that parking is restricted in a Town-owned or Town-controlled on or off-street parking lot shall be posted at each entrance to the parking lot.

(2) Official signs indicating that parking is restricted in Town-owned or Town-controlled on or off-street parking spaces shall be posted where practicable to give notice of the restricted area. Official signs with double arrows shall be posted at intermediate points within the restricted area indicating the extent of the restricted area.

(e) The following are exempt from the requirements of this Section:

(1) A vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work;

(2) A vehicle that is owned by or operated under contract to a federal, state, or local governmental agency and was being used in the course of official government business;

(3) An authorized emergency vehicle; and

(4) A motor vehicle used for delivery or service business purposes, including without limitation vehicles such as moving vans and sanitation, repair, electrical and plumbing service vehicles, while conducting business.

Sec. 8-49. – Duplication of Parking Permits Prohibited.

It is unlawful for any person to duplicate or attempt to duplicate by any means a parking permit issued pursuant to this Article. It is a violation of this Article for any person to display on any motor vehicle a duplicate parking permit.

Sec. 8-50. - Effect of Issuance of Parking Permit.

A parking permit issued pursuant to this Article does not excuse compliance with any other provisions of applicable law relating to parking, including without limitation restricted parking for persons with disabilities. A parking permit shall not guarantee or reserve a parking space within an area marked for residential parking. A permit issued pursuant to this Article shall not authorize the standing or parking of any vehicle in any place or during any time when the stopping, standing or parking of vehicles is prohibited or set aside for specified vehicle types. The issuance of a parking permit shall not excuse the observance of any traffic regulation.

Sec. 8-51. – Impoundment.

The Town is authorized to remove or have removed any vehicle left any place in the Town which reasonably appears to be in violation of this Article. All costs incurred by such impoundment, including towing expenses, shall be the responsibility of the owner and occupant of the property.

Sec. 8-52. – Violations; Penalty.

(a) It is unlawful for any person to fail to comply with the terms of this Article. Violations shall constitute a civil offense punishable by one or more of the following penalties:

- (1) Loss of parking permit privileges;
- (2) Impoundment of the vehicle;
- (3) Termination of the right to receive residential parking permits in the future; and
- (4) A fine not to exceed four hundred ninety-nine dollars (\$499.00).

(b) Each separate act in violation of this Article, and 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.

(c) Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

CHAPTER 8 - Vehicles and Traffic

ARTICLE I - Model Traffic Code

Sec. 8-1. - Adoption.

Pursuant to C.R.S. § 31-15-103 and C.R.S. § 31-16-201, *et seq.*, there is hereby adopted by reference the 2020 edition of the *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222, as amended by Section 8-2 below. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the Code adopted herein is to provide a system of traffic regulations generally conforming to similar regulations throughout the State and the nation. One (1) copy of the Model Traffic Code adopted herein shall be filed in the office of the Town Clerk and may be inspected during regular business hours.

Sec. 8-2. - Amendments.

The 2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following additions, deletions or modifications:

- (a) Section 1101(2) is modified to read as follows:

"Speed limits within the Town are set at 25 mph on Ute Pass Avenue and Green Mountain Falls Road and 20 mph on all other streets unless otherwise posted, as defined in Section 8-4 of the Green Mountain Falls Municipal Code."

- (b) Part 17, Penalties and Procedures is deleted in its entirety.

Sec. 8-3. - Application.

This Article shall apply to every street, alley, sidewalk area, driveway and park and to every other public way, public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Sec. 8-4. - Speed limits for all streets.

- (a) Speed limits within the Town shall be set at 25 mph on Ute Pass Avenue and Green Mountain Falls Road and 20 mph on all other streets, unless otherwise posted.
- (b) Signs containing the general speed limit of 20 mph shall be placed at both entrances to the Town.

Sec. 8-5. - Civil and criminal violations, right to jury trial, and penalties.

- (a) It is unlawful for any person to violate any of the provisions of this Chapter or of the Model Traffic Code for Colorado, as adopted by the Town of Green Mountain Falls. It is a criminal traffic offense for any person to violate any of the provisions of the Model Traffic Code for Colorado as adopted, and from time to time modified, by the Town of Green Mountain Falls, where the offense

is deemed a misdemeanor traffic offense under the Model Traffic Code or by counterpart State law.

(b) Except for those violations classified as criminal traffic offenses pursuant to Subsection (a) of this Section, all violations of this Chapter or of the Model Traffic Code for Colorado, as adopted by the Town of Green Mountain Falls, are hereby classified as noncriminal traffic infractions which shall be deemed to be civil matters. The Colorado Municipal Court Rules of Procedure shall apply to proceedings in which the defendant is charged with such noncriminal traffic infractions, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction. Instead, the court may enter a judgment of liability by default against the defendant for any such failure to appear; assess any penalty and costs established by law; and report the judgment to the Colorado Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privileges and may deny an application for or renewal of the defendant's driver's license until the judgment and all other lawful costs are satisfied. Further, no writ of mittimus shall issue where the only basis for the fine and costs imposed was the finding of guilty or liability for a noncriminal traffic infraction.

(c) Any defendant charged with a criminal traffic offense, as defined in Subsection (a) of this Section, shall have the right to demand a trial by jury upon compliance with the provisions of Colorado law and the Colorado Municipal Court Rules of Procedure. No defendant shall have a right to a trial by jury for any noncriminal traffic infraction, as defined in Subsection (b) of this Section. In the event that a defendant is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged violations is listed in Subsection (a) of this Section, the defendant shall have the right to demand a trial by jury as to all such offenses, which shall be consolidated for purposes of trial.

(d) Penalties.

(1) Any person convicted of a criminal traffic offense, as defined in Subsection (a) of this Section, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00), or by imprisonment not exceeding one year or by both such fine and imprisonment;

(2) Any person admitting liability for, found to have committed, or against whom a default judgment has been entered for any noncriminal traffic infraction, as defined in Subsection (b) of this Section, shall be fined in an amount not exceeding four hundred and ninety-nine dollars (\$499.00). The Board of Trustees may set and amend specific fines by resolution. No defendant found to have committed any noncriminal traffic infraction shall be punished by imprisonment for such infraction.

Secs. 8-6—8-20. - Reserved.

ARTICLE II - Junked Vehicles on Private Property

Sec. 8-21. - Definitions.

The following definitions shall apply in the interpretation of this Article:

Junk vehicle means any of the following:

- a. Any inoperable motorized vehicle;

- b. Any nonmotorized vehicle which is not capable of highway travel in connection with its normal power source; or
- c. Any vehicle not bearing current license plates, unless exempt from registration, to be consistent with State statutes regarding licensing and registration.

Private property means any real property within the incorporated limits of the Town which is not a street, highway, or public property of the Town, federal government, county, or state.

Vehicle means a machine propelled or pulled by power other than human power designed to travel along the ground by use of wheels, treads, tracks, runners or slides and includes without limitation an automobile, truck, motorcycle, tractor, field machinery, bus, camper, utility and travel trailer, bulldozer, earth moving or compacting equipment, backhoe or truck bed/box.

Sec. 8-22. - Junk vehicles on private property.

No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junk vehicle to remain on such property longer than thirty (30) days; except that this Section shall not apply with regard to a vehicle within an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place maintained in a lawful manner by the Town.

Sec. 8-23. - Filling stations and garages.

Repair or dismantling of automobiles and other vehicles and storing of parts and accessories thereto shall be permitted as an accessory use to filling stations and garages only when such repairing or dismantling is conducted within an entirely enclosed building.

Sec. 8-24. - Collector's items.

Vehicles defined as *collector's items* by C.R.S. § 42-15-101, *et seq.*, shall be allowed, subject to the limitation that no more than one (1) vehicle so defined which has not been rebuilt shall be kept outside of a building on any property.

Sec. 8-25. - Notice of violation.

Before a summons and complaint may be issued for violations of this Article, the Town shall deliver a notice to the occupant and owner of the private property, requesting removal of the junk vehicle from the property within thirty (30) days. If the junk vehicle is not removed within thirty (30) days, both the owner and the occupant of the property may be issued a summons and complaint for violation of this Article. Delivery of the notice may be in person or by certified mail, return receipt requested, addressed to the owner or occupant at their last known address, effective upon mailing.

Sec. 8-26. - Impoundment.

After proper notice as provided in **Section 8-25 above**, the Town is authorized to remove or have removed any vehicle left any place in the Town which reasonably appears to be in violation of this Article. All costs incurred by such impoundment, including towing expenses, shall be the responsibility of the owner and occupant of the property. If such costs are not paid after billing, the Town may place a lien against the property upon which the junk/abandoned vehicle was stored

for the amount of any costs the Town has incurred. Such lien shall remain against the property and may be foreclosed through court at the option of the Town.

Secs. 8-27—8-40. - Reserved.

ARTICLE III – Parking

Sec. 8-41. - Purpose.

This Article is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of the Town by motor vehicle congestion, particularly parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents to park and do business near their homes.

Sec. 8-42. - Definitions.

The following definitions shall apply in the interpretation of this Article:

One-day visitor permit means a permit issued under this Article that is valid for one 24-hour period, whose owner or principal operator may not reside within the Town.

Parking permit means either a residential parking permit issued to residents of the Town pursuant to this Article, or a one-day visitor permit issued pursuant to this Article.

Public street means any road, street, or similar facility under the jurisdiction of and maintained by a public agency and open to public travel.

Residential parking permit means a parking permit issued under this Article to a vehicle whose owner or principal operator resides within the Town.

Area marked for residential parking means an area designated pursuant to **Section 8-46** of this Article.

Vehicle means a machine propelled or pulled by power other than human power designed to travel along the ground by use of wheels, treads, tracks, runners or slides and shall include, without limitation, an automobile, truck, motorcycle, tractor, field machinery, bus, camper, utility and travel trailer, bulldozer, earth moving or compacting equipment, backhoe or truck bed/box.

Sec. 8-43. – Residential Parking Permit Issuance.

(a) The Town, or its authorized agent, shall issue residential parking permits to residents upon application to the Town Clerk or authorized agent and for a fee established by resolution of the Board of Trustees. The application shall require, at a minimum, the name of the owner or operator of the vehicle to be permitted, the residential address of the owner or operator of the vehicle to be permitted, the owner or operator's state driver's license number, and the vehicle make, model and license plate number. The applicant shall provide proof of residency as required by the Town Clerk.

(b) Residential parking permits shall be issued specific to a vehicle listed on the application to the Town Clerk. To be valid, each residential parking permit shall be permanently adhered to the inside bottom driver side corner of the windshield of the vehicle to which the residential parking permit is registered. A residential parking permit that is not permanently adhered shall not be a valid permit.

(c) There shall be no limit to the number of residential parking permits issued to a residence, provided that no residential parking permit shall be issued for a vehicle whose owner or principal operator does not reside at the residence.

(d) An applicant may obtain a replacement residential parking permit in the same manner and for the same fee as the original residential permit upon providing evidence satisfactory to the Town Clerk that the original permit has been lost or destroyed.

(e) Each residential parking permit issued by the Town shall be valid for one year from the date of issuance by the Town Clerk.

Sec. 8-44. – One-Day Visitor Permit Issuance.

(a) The Town shall issue one-day visitor permits to residents upon application to the Town Clerk and for a fee established by resolution of the Board of Trustees. The application shall require, at a minimum, the name of the resident requesting the one-day visitor permit and the residential address of the resident requesting the one-day visitor permit. The applicant shall provide proof of residency as required by the Town Clerk.

(b) One-day visitor permits shall be issued to residents and are intended for use by guests of residents. One-day visitor permits are not specific to a vehicle upon issuance. However, to be valid, each one-day visitor permit shall be fully filled out in ink or permanent marker and displayed inside the vehicle dashboard so that the permit is easily visible and decipherable from outside the vehicle. A one-day visitor permit that does not provide all required information or that is displayed improperly shall not be a valid permit.

(c) Each residence is limited to five (5) packs of one-day visitor permits per calendar year, with each pack containing twenty (20) blank permits.

(d) Each blank one-day visitor permit issued by the Town shall be valid for one year from the date of issuance by the Town Clerk. Once filled out by the resident or guest and placed into use, each one-day visitor permit shall be valid for one 24-hour period.

Sec. 8-45. – Residential Street Parking.

(a) It is unlawful for any person to park a vehicle on any public street in an area marked for residential parking without displaying a valid parking permit issued by the Town authorizing the vehicle to be parked in that area. In addition to any other requirements of this Article, a parking permit must be current, displayed at all pertinent times the vehicle is parked, and visible from the roadway for the parking tag to be deemed valid.

- (b) The Town Manager shall direct the installation of all necessary signage or pavement markings to establish the residential areas in which this Section shall apply.
- (c) The following are exempt from the requirements of this Section:
 - (1) A vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work;
 - (2) A vehicle that is owned by or operated under contract to a federal, state, or local governmental agency and was being used in the course of official government business;
 - (3) An authorized emergency vehicle; and
 - (4) A motor vehicle used for delivery or service business purposes, including without limitation vehicles such as moving vans and sanitation, repair, electrical and plumbing service vehicles, while conducting business.

Sec. 8-46. – Designation of Area to be Marked for Residential Parking.

- (a) The Board of Trustees shall designate by ordinance those residential areas within the Town as areas to be marked for residential parking.
- (b) The Board of Trustees, in making a determination of designation under this Section, shall consider the following criteria:
 - (1) The extent to which vehicles parking in the area are vehicles displaying out of state or out of town license plates indicating that the vehicle belongs to a nonresident of the Town;
 - (2) The extent to which residents cannot obtain adequate public street parking adjacent to or near their residences because of widespread use of parking spaces by out of town vehicles;
 - (3) The effect on the health, safety, and welfare of the residents along the public street from intensive use of the residential public street, including increased polluted air, excessive noise, trash, and refuse caused by the entry and exit of non-resident vehicles;
 - (4) The deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area, including detriment to the natural rural mountain character of such residential areas and neighborhoods and increased hazard to children and other pedestrians;
 - (5) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems identified in this Section; and
 - (6) Evidence of support of the residents in the proposed area to be marked for residential parking for the institution of a residential parking permit system and the

willingness of those residents to bear the costs incidental to the issuance of permits authorized by this Article.

(c) As soon as practicable following the adoption of an ordinance designating or extending a residential parking permit area, the Town Clerk shall mail to the occupant of every address within the area to be marked for residential parking a written notice containing the following information:

- (1) The existence and boundaries of the area to be marked for residential parking;
- (2) The parking restrictions applicable to all vehicles on public streets in the designated area;
- (3) The effective date of the ordinance; and
- (4) The procedures and associated fees to obtain parking permits.

Sec. 8-47. – Parking in Private Driveway or on Private Property.

It is unlawful for any person to park or stand a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading, in a private driveway or on private property without the express consent of the owner or person in lawful possession of such driveway or property.

Sec. 8-48. – Metered Parking.

(a) It is unlawful for any person to park a vehicle in any Town-owned or Town-controlled on or off-street, paid or permit-required parking lot or parking space at any time without immediately depositing or causing to be deposited an accepted form of payment for the time used during the applicable hours of operation and on the applicable days of operation of such parking meter, as indicated by the sign accompanying such parking meter, or without displaying a valid residential parking permit authorizing such vehicle to be parked at the location. In addition to any other requirements of this Article, a parking permit must be current, displayed at all pertinent times the vehicle is parked, and visible from the roadway for the parking tag to be deemed valid.

(b) Vehicles displaying a valid residential parking permit may be parked in a Town-owned or Town-controlled on or off-street paid parking lot or parking space without paying the meter. One-day visitor parking permits remain subject to the requirements of this Section and must observe all requirements when parking in any Town-owned or Town-controlled on or off-street paid parking lot or parking space.

(c) Parking meters shall display the dates and times that parking restrictions are in place and shall display the hourly or daily charges which are reasonably necessary to defray the expenses incurred incident to this Article.

(d) The Town Manager shall direct the installation of all parking meters and all necessary signage or pavement markings to establish the areas in which this Section shall apply, as follows:

- (1) Official signs indicating that parking is restricted in a Town-owned or Town-controlled on or off-street parking lot shall be posted at each entrance to the parking lot.
 - (2) Official signs indicating that parking is restricted in Town-owned or Town-controlled on or off-street parking spaces shall be posted where practicable to give notice of the restricted area. Official signs with double arrows shall be posted at intermediate points within the restricted area indicating the extent of the restricted area.
- (e) The following are exempt from the requirements of this Section:
- (1) A vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work;
 - (2) A vehicle that is owned by or operated under contract to a federal, state, or local governmental agency and was being used in the course of official government business;
 - (3) An authorized emergency vehicle; and
 - (4) A motor vehicle used for delivery or service business purposes, including without limitation vehicles such as moving vans and sanitation, repair, electrical and plumbing service vehicles, while conducting business.

Sec. 8-49. – Duplication of Parking Permits Prohibited.

It is unlawful for any person to duplicate or attempt to duplicate by any means a parking permit issued pursuant to this Article. It is a violation of this Article for any person to display on any motor vehicle a duplicate parking permit.

Sec. 8-50. - Effect of Issuance of Parking Permit.

A parking permit issued pursuant to this Article does not excuse compliance with any other provisions of applicable law relating to parking, including without limitation restricted parking for persons with disabilities. A parking permit shall not guarantee or reserve a parking space within an area marked for residential parking. A permit issued pursuant to this Article shall not authorize the standing or parking of any vehicle in any place or during any time when the stopping, standing or parking of vehicles is prohibited or set aside for specified vehicle types. The issuance of a parking permit shall not excuse the observance of any traffic regulation.

Sec. 8-51. – Impoundment.

The Town, or its authorized agent, is authorized to remove or have removed any vehicle left any place in the Town which reasonably appears to be in violation of this Article. All costs incurred by such impoundment, including towing expenses, shall be the responsibility of the owner and occupant of the property.

Sec. 8-52. – Violations; Penalty.

(a) It is unlawful for any person to fail to comply with the terms of this Article. Violations shall constitute a civil offense punishable by one or more of the following penalties:

- (1) Loss of parking permit privileges;
- (2) Impoundment of the vehicle;
- (3) Termination of the right to receive residential parking permits in the future; and
- (4) A fine not to exceed four hundred ninety-nine dollars (\$499.00).

(b) Each separate act in violation of this Article, and 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.

(c) Any remedies provided for in this Article shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

CHAPTER 10 - General Offenses

ARTICLE I - General Provisions

Sec. 10-1. - Adopted.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference, in part, Title 18, C.R.S., officially approved, adopted and published by the State, of which one (1) copy is on file at the Town Hall and may be inspected during regular business hours, pursuant to the adopted ordinance, to wit: (Ord. 92-04 §1)

Sec. 10-2. - Legislative purpose.

It is the purpose of this Chapter to provide for the public health, safety and welfare of the Town.

(Ord. 92-04 §1)

Sec. 10-3. - Local question.

It is the intention of the Board of Trustees that the ordinances and provisions of this Chapter deal with matters of "local" and "mixed" state and local concern and that no provision of this Chapter is to be construed expressly or by implication to permit conduct that is illegal under the laws of the State or to prohibit conduct that is expressly permitted by the laws of the State. The provisions of this Chapter are to be construed to apply to misdemeanors and other minor and petty offenses only and are not to be interpreted to apply to conduct that is defined as a felony under the laws of the State.

(Ord. 92-04 §1)

Sec. 10-4. - Irreconcilable ordinances.

If the Board of Trustees enacts an ordinance that is irreconcilable with another provision of this Chapter, the ordinance whose effective date is latest prevails.

(Ord. 92-04 §1)

Sec. 10-5. - Application of Code.

(a) A person is subject to prosecution in Municipal Court for a violation committed through the conduct of such person or through the conduct of another for whom such person is legally accountable, if:

- (1) The conduct constitutes a violation and is committed either wholly or partly within the Town;
- (2) The conduct outside the Town constitutes an attempt, as defined by this Chapter, to commit a violation within the Town;

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(3) The conduct outside the Town constitutes a conspiracy to commit a violation within the Town, and an act in furtherance of the conspiracy occurs in the Town; or

(4) The conduct within the Town constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction a violation prohibited under the laws of the Town and such other jurisdiction.

(b) Whether a violator is in or outside the Town is immaterial to the commission of a violation based on an omission to perform a duty imposed by the law of the Town.

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(c) *Town*, as used in this Chapter and in any summons, summons and complaint or complaint alleging a violation of the Code or any ordinance, includes both the area within the territorial limits of the Town of Green Mountain Falls, Colorado, and also those areas over which extraterritorial police power has been granted by the statutes of this State. It is the intent of the Board of Trustees to extend the territorial jurisdiction of the Municipal Court as widely as possible. However, where specific sections of this Chapter require that the violation occur "within the Town," then the offense is limited to the territorial limits of the Town.

~~(Ord. 92-04 §1)~~

Sec. 10-6. —Classification of violations.

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~~Violations of this Code shall be classified as misdemeanors, Class 1 petty offenses or Class 2 petty offenses.~~

~~(Ord. 92-04 §1)~~

Sec. 10-7. —Violations.

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~~(a) The terms *crime, petty offense, offense, misdemeanor* and *violation*, as used in this Code or any uncodified ordinance, are synonymous. Any act or omission declared to be a violation or to be unlawful or required or prohibited by the phrase "no person shall," or similar mandatory language in or by this Code, any ordinance of the Town or any rule promulgated thereunder, constitutes a violation.~~

~~(b) Unless otherwise specifically provided in this Code, an ordinance of the Town or a rule promulgated thereunder, every day of a violation of this Code, ordinance or rule constitutes a separate violation.~~

~~(Ord. 92-04 §1)~~

Sec. 10-8. - Statute of limitations.

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~~No person shall be prosecuted, tried or punished for any violation under this Code or any ordinance unless the action for said violation is instituted within one (1) year of the date of the alleged violation, but the statute of limitations within which a prosecution must be instituted shall be tolled for any period in which a prosecution is pending against the accused for the same conduct, even if the summons, complaint or summons and complaint that commence the prosecution are quashed or the proceedings thereon are set aside or reversed on appeal.~~

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Sec. 10-7. ~~(Ord. 92-04 §1)~~

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- Violation and penalty.

The penalty for violation of any provision of this Chapter is as set forth in Section 1-2 of this Code, subject to the following:

(a) A plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Any restitution ordered by the Municipal Court shall be in addition to any such fine.

(b) The Municipal Court may award restitution to any victim of any action specified as unlawful in this Chapter and may order a person found or pleading guilty to any such violation to pay such restitution as ordered by the Municipal Court. Such restitution shall be determined by the submission of a bill of costs by the victim to the Municipal Court on a form approved by the Municipal Court. Authority is expressly granted to the Municipal Court to order such restitution for any and all costs incurred by public safety and/or emergency response agencies of the Town or other governmental or quasi-governmental entities in connection with the initial response to and all subsequent follow-up investigations of violations of this Chapter. Any restitution ordered by the Municipal Court shall be in addition to any fine and/or imprisonment authorized by this Code and shall likewise be applicable to any situation in which a deferred judgment or deferred sentence is accepted and/or imposed by the Municipal Court.

(c) The Municipal Court may order any person convicted of or pleading guilty to any violation of this Chapter to perform useful public service, which may be in addition to any other penalty imposed by the Municipal Court.

~~Secs. 10-9 to 10-20. Reserved~~

ARTICLE II - Offenses By or Against Public Officers and Government

Sec. 10-21. - Definitions.

As used in this Chapter, unless the context otherwise requires:

- (1) *Government* includes any branch, subdivision, institution or agency of the government of this Town.
- (2) *Governmental function* includes any activity which a public servant is legally authorized to undertake on behalf of a government.
- (3) *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.

~~(Ord. 92-04 §1)~~

Sec. 10-22. - Resisting arrest.

(a) ~~A person commits resisting~~It is unlawful to resist arrest if he or she by knowingly preventspreventing or attemptsattempting to prevent a peace officer, acting under color in the discharge of his or her official authoritytheir duty, from effecting an arrest of the actor or another, by:

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(1) Using or threatening to use physical force or violence against the peace officer or another; or

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(2) Using any other means which creates a substantial risk of causing bodily injury to the peace officer or another.

(b) It is no defense to prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if he or she was acting under color of his or her official authority and, in attempting to make the arrest, he or she 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, he or she 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 him or her.

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~~(c) Resisting arrest is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-23. ~~Interference with peace officers, deputy marshals.~~

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~~(a) It shall be unlawful for any person in any way to interfere with or hinder any- **Obstructing peace officer, marshal or deputy marshal while such person is discharging his or her duties, firefighter, emergency medical services provider, rescue specialist or volunteer.**~~

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~~(ba) A person commits obstructing a peace officer or fireman who, marshal, firefighter, emergency medical service provider, rescue specialist or volunteer when, by using or threatening to use violence, force or physical interference or obstacle, he or she such person knowingly obstructs, impairs or hinders the enforcement of any duty of the penal law or the preservation of 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 a fire by a fireman, acting under color of his or her official authority marshal, firefighter, emergency medical services provider, rescue specialist or volunteer.~~

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~~(eb) It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority, as defined in Section 10-22(b) above.~~

~~(dc) This Section does not apply to obstruction, impairment or hindrance of the making of an arrest.~~

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~~(e) Obstructing **Sec. 10-24. – Duty to aid; refusing to aid a peace officer.**~~

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~~Is a misdemeanor.~~

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~~(Ord. 92-04 §1)~~

~~unlawful for a **Sec. 10-24. – Refusing to aid a peace officer.**~~

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~~A person eighteen (18) years of age or older commits a Class 1 petty offense when to, upon command by a person known to him or her to be a peace officer, he or she unreasonably refuses refuse or fails fail to aid the peace officer in effecting or securing an arrest or preventing the commission by another of any offense.~~

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~~(Ord. 92-04 §1)~~

Sec. 10-25. ~~Interference with firemen on duty.~~

~~It shall be unlawful for any person to hinder, obstruct, oppose or interfere with any member of the Fire Department while he or she is in the performance of his or her duty.~~

~~(Ord. 92-04 §1)~~

Sec. 10-26. - Compounding.

(a) A person commits compounding if he or she accepts or agrees to accept any pecuniary benefit as consideration for:

- (1) Refraining from seeking prosecution of an offender; or
- (2) Refraining from reporting to law enforcement authorities the commission or suspected commission of any crime or information relating to a crime.

~~(b) — Compounding is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-27~~26~~. - Resisting an officer; assisting an escape; rescuing a prisoner.

(a) It ~~shall be~~is unlawful for any person to resist any peace officer, marshal, deputy marshal, any member of the Marshal's Department or any person duly empowered with police authority while in the discharge or apparent discharge of his or her duty or in any way to interfere with or hinder him or her in the discharge of his or her duty.

(b) It ~~shall be~~is unlawful for any person to offer or endeavor to assist any person ~~into escape or to attempt to escape from custody, or rescue or attempt to rescue any person in~~ the custody of a peace officer, marshal, deputy marshal, member of the Marshal's Department or a person duly empowered with police authority ~~to escape or to attempt to escape from custody.~~

~~(c) — It shall be unlawful for any person to rescue or attempt to rescue any person in the custody of a peace officer, marshal, deputy marshal, a member of the Marshal's Department or a person duly empowered with police authority.~~

~~(Prior code 8-8-7)~~

Sec. 10-28~~27~~. - False reporting to authorities.

(a) A person commits false reporting to authorities if:

- (1) He or she 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) He or she 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; or

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(3) He or she 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.

(b) ~~False reporting to authorities is a misdemeanor.~~

(Ord. 92-04 §1)

Sec. 10-2928. - Interference with alarm system; false alarm.

It ~~shall be~~ unlawful for any person to damage or interfere with any fire alarm system or appliance or any part of the same. It ~~shall be~~ unlawful for any person to make or give a false alarm of fire.

(Ord. 92-04 §1)

Sec. 10-30. ~~Duty of citizens to aid peace officers, deputy marshals.~~

~~It shall be the duty of all persons when called upon by a peace officer, marshal, deputy marshal or any other member of the Marshal's Department to promptly aid and assist such peace officer, marshal, deputy marshal or member in the discharge of his or her duties.~~

(Prior code 8-8-8)

Sec. 10-3129. - Impersonating an officer, Town officer, or employee.

(a) It ~~shall be~~ unlawful for any person other than an official marshal or deputy ~~marshal of marshal~~ of the Town to wear the uniform, apparel or any other insignia of office like, similar to or a colorable imitation of that adopted and worn by the official marshal or deputy marshals.

(b) It ~~shall be~~ unlawful for any person to counterfeit, imitate or cause to be counterfeited, imitated or colorably imitated the uniform, apparel or insignia of office used by the Marshal's Department.

(Prior code 8-8-9)

Sec. 10-32. ~~Impersonating Town officers and employees.~~

(c) ~~Is is unlawful for any person other than an official marshal or deputy marshal of the Town to operate a motor vehicle adorned with lights, insignias, or symbols to imitate the official Town marshal vehicles.~~

(c) It ~~shall be~~ unlawful for any person to willfully, unlawfully or fraudulently represent himself or herself to be a Town officer or an employee of the Town and purporting to perform the duties of any such officer or employee when he or she is not an authorized officer or employee of the Town.

(Prior code 8-8-10)

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~~Sec. 10-33. - Escapes~~30. - Escape.

~~Alt is unlawful for any person commits a Class 1 petty offense if, while being in custody or~~
~~confinement and held for or charged with but not convicted of a misdemeanor or petty offense, he~~
~~or she~~ knowingly ~~escapes~~escape from said custody or confinement.

~~(Ord. 92-04 §1)~~

~~Sec. 10-34~~31. - Interference with official function: entering or remaining on restricted Town
~~premises.~~

(a) It is unlawful for any person to intentionally, knowingly or recklessly interfere with,
 disrupt, hinder or impede the normal operation of or an official function of the Town, or any
 department or official thereof.

~~(Ord. 04-2010 §1)~~

~~Sec. 10-35. - Entering or remaining on restricted Town premises.~~

(b) It is unlawful for any person to enter or remain in or on premises of the Town which have
 been posted "Employees Only," "No Admittance" or similar notice without invitation or
 permission of an authorized employee of the Town.

~~(Ord. 04-2010 §1)~~

~~Sec. 10-36. - Order to refrain from entering or for removal from Town premises.~~

(c) It is unlawful for any person to remain in or on any premises of the Town or reenter any
 premises of the Town after the person has been ordered to remove himself or herself from the
 premises or to refrain from entering the premises by an employee of the Town. For purposes of
 this Section, the department head or employee on duty shall have the authority to issue an order
 for any person to remove himself or herself from the premises or to refrain from entering the
 premises.

~~(Ord. 04-2010 §1)~~

~~Secs. 10-37 - 10-50. - Reserved~~

ARTICLE III - Attempt, Conspiracy, Complicity, Accessory

Sec. 10-51. - 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

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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. 92-04 §1)~~

Sec. 10-52. - Conspiracy.

(a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agreed 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 agreed 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 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 or persons to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person or persons, whether or not he or she knows their 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. 92-04 §1)~~

Sec. 10-53. - 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.

~~(Ord. 92-04 §1)~~

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Sec. 10-54. - 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 or has been convicted of, or is charged by pending information, indictment or complaint with a crime, or is suspected of or wanted for a crime, and if that crime is designated by this Code as a misdemeanor of any class.~~

~~(Ord. 92-04 §1)~~

Secs. 10-55—10-70. - Reserved.**ARTICLE IV - Offenses Against the Person****Sec. 10-71. - Menacing.**

A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.

~~Menacing is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-72. - Reckless endangerment.

A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment, ~~which is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-73. - False imprisonment.

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Any person who knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment, ~~which is a misdemeanor.~~ This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties.

~~(Ord. 92-04 §1)~~

Secs. 10-74—10-90. - Reserved.

ARTICLE V - Offenses Against Property

Sec. 10-91. - Fourth degree arson.

(a) A person who knowingly or recklessly starts or maintains a fire or causes an explosion, on his or her own property or that of another, and by so doing places any building or occupied structure of another in danger of damage, commits fourth degree arson.

~~(b) Fourth degree arson is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-92. - Theft.

(a) 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 four hundred dollars (~~\$400~~1000.00), 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.

~~(b) Theft is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-93. - Obtaining control over any stolen thing of value - conviction.

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

~~(Ord. 92-04 §1)~~

Sec. 10-94. ~~Motor vehicle theft.~~

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~~A person who knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception commits motor vehicle theft. Motor vehicle theft is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-95. - Theft by receiving.

(a) 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 the thing of value is less than four hundred dollars (\$~~400~~1000.00).

(b) ~~Theft by receiving is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-96. - Criminal mischief.

~~Any person who knowingly damages the real or personal property of one (1) or more other persons in the course of a single criminal episode commits criminal mischief, which is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-97~~95~~. - Second and third degree criminal trespass.

(a) A person commits the crime of second degree criminal trespass if he or she unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced, or if he or she knowingly and unlawfully enters or remains in or upon the premises of a hotel, motel, condominium or apartment building. ~~Second degree criminal trespass is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

Sec. 10-98. - Third degree criminal trespass.

(b) A person commits the crime of third degree criminal trespass if he or she unlawfully enters or remains in or upon premises. ~~Third degree criminal trespass is a Class 1 petty offense, but it is a misdemeanor if the premises have been classified by the County Assessor for the county in which the land is situated as agricultural land pursuant to Section 39-1-102(1.6), C.R.S.~~

~~(Ord. 92-04 §1)~~

Sec. 10-99~~96~~. - Second degree criminal tampering.

Except as provided in Section ~~10-100~~97, a person commits the crime of second degree criminal tampering if he or she 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

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unauthorized connection with property of a utility. ~~Second-degree criminal tampering is a misdemeanor.~~

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~~(Ord. 92-04 §1)~~

Sec. 10-~~100~~97. - Tampering and unauthorized connection.

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(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. 92-04 §1)~~

Sec. 10-~~101~~98. - Damaging private property of another.

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(a) No person shall knowingly damage the real or personal property of another.

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(b) This Section does not apply where the damage in the course of a single criminal episode is four hundred dollars (\$~~400~~1,000.00) or more, is effected by means of fire or explosives or is otherwise feloniously caused.

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~~(Ord. 92-04 §1)~~

Sec. 10-~~102~~99. - Damaging public property.

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No person shall damage, move, remove, destroy or injure in any manner whatsoever or cause to be damaged, moved, removed, destroyed or injured any grass, tree, shrub, plant, flower, railing, bridge, culvert, sign, building or any other property whatsoever belonging to the Town or under the possession and control of the Town, unless done pursuant to a written permit or contract from the Town.

~~(Ord. 92-04 §1)~~

Sec. 10-~~103~~100. - Defacing posted notice.

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~~Any-It is unlawful for any person who to knowingly mars, destroys, destroy, or removesremove any posted notice authorized by law-commits a Class 4 petty offense.~~

~~(Ord. 92-04 §1)~~

Sec. 10-104101. - Littering of public and private property.

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

(b) The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

(c) It ~~shall be~~is an affirmative defense that:

- (1) Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property;
- (2) The litter is placed in a receptacle or container installed on such property for that purpose; or
- (3) Such person is the owner or tenant in lawful possession of such property, or he or she has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.

(d) The phrase *public or private property* as used in this Section includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties or timberlands.

(e) It is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person gather and remove from specified public property or lawful possession thereof any litter found thereon, or upon the condition that the convicted person pick up litter at the time prescribed by and a place within the jurisdiction of the court for not less than eight (8) hours upon a second or subsequent conviction.

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

~~(Ord. 92-04 §1)~~

Sec. 10-105102. - Criminal use of a noxious substance.

(a) Any person who deposits on the land or in the building or vehicle of another, without his or her consent, any stink bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle, ~~commits a misdemeanor.~~

(b) It ~~shall be~~is an affirmative defense that a peace officer in the performance of his or her duties reasonably used a noxious substance.

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(Ord. 92-04 §1)

Secs. 10-106-103—10-120. - Reserved.

ARTICLE VI - Offenses Involving Fraud

Sec. 10-121. —Unlawfully using slugs.

(a) —A person commits unlawfully using slugs if:

- (1) —With intent to defraud the vendor of property or a service sold by means of a coin machine, he or she knowingly inserts, deposits or uses a slug in such machine or causes the machine to be operated by any other unauthorized means; or
- (2) —He or she makes, possesses or disposes of a slug or slugs with intent to enable a person to use it or them fraudulently in a coin machine.

(b) —*Slug* means any object or article which, by virtue of its size, shape or any other quality, is capable of being inserted, deposited or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill or token, and of thereby enabling a person to obtain without valid consideration the property or service sold through the machine.

(c) —Unlawfully using slugs is a misdemeanor.

(Ord. 92-04 §1)

Sec. 10-122. - Fraud by check.

(a) A person violates this Section if he or she issues or passes a check or similar sight order for the payment of money in an amount less than four hundred dollars (\$~~400~~1,000.00), knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order, as well as all other checks or orders outstanding at the time of issuance.

(b) This Section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence. 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 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 issuance.

(c) *Insufficient funds* means not having a sufficient balance in account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment and it remains unpaid thirty (30) days after such presentment.

(d) A bank shall not be civilly or criminally liable for releasing information relating to the issuer's account to a deputy marshal investigating or prosecuting a charge under this Section.

(Ord. 92-04 §1)

Secs. 10-123-124—10-140. - Reserved.

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ARTICLE VII - Offenses Relating to Drugs

Sec. 10-141. - Definitions.

As used in this Article, the following words shall have the meanings ascribed hereafter:

(1) *Controlled substance* means a drug or other substance or an immediate precursor which is declared to be a controlled substance under ~~this Article~~ C.R.S. § 18-18-102, and ~~also~~ includes marijuana, marijuana concentrate and cocaine.

(2) *Drug paraphernalia* means ~~any machine, instrument, tool, all equipment or device which is primarily designed, products, and material of any kind which are used, intended for one~~ (4) ~~use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or more of the following:~~

a. ~~To introduce otherwise introducing~~ into the human body ~~any~~ controlled substance under circumstances in violation of the laws of this State;

b. ~~To enhance the effect on the human body of any controlled substance under circumstances in violation of the laws/statutes of this State; of Colorado,~~

c. ~~To conceal any quantity of any controlled substance under circumstances in violation of the laws of this State; or~~

d. ~~To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of the laws of this State.~~

(Ord. 92-04 §1)

(3) *Marijuana* means all parts of the plant of the genus *cannabis* 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, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(4) *Marijuana accessories* means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or ingesting, inhaling, or otherwise introducing marijuana to the human body.

(5) *Observable* means observable by a person with or without the aid of special devices.

(6) *Openly and publicly* means activity that is observable by the public or a substantial number of the public, which occurs in a place to which the public or a substantial number of the public has access without restriction, including but not limited to streets and highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of buildings and other

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facilities. "Openly and publicly" does not include any activity occurring on private residential property by the occupant or his or her guests.

(7) Public place means a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, streets, sidewalks, transportation facilities, schools, places of amusement, parks, vehicles on public streets or highways, playgrounds and the common areas of public and private buildings and facilities. "Public place" also includes property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or property owned, operated, leased or maintained by the Town.

Sec. 10-142. - 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 the laws of this State.

(b) ~~Any person who commits~~ The provisions of this section shall not apply to the possession of drug paraphernalia commits a Class 2 petty offense.

(Ord. 92-04 §1)

~~Sec. 10-143. - Possession of marijuana.~~

~~Any accessories~~ by a person that is twenty-one years of age or older, or by a person with a valid medical marijuana registration card.

Sec. 10-143. - who possesses not Marijuana—Display, possession, consumption, transferring, distribution, and cultivation.

(a) It is unlawful for any person under the age of twenty-one to knowingly possess, use, display, purchase, or transport marijuana in any amount; except as allowed by a valid medical marijuana registration card.

(b) It is unlawful for any person twenty-one years of age or older to knowingly:

(1) Possess, use, display, purchase, or transport more than one (1) ounce of marijuana commits, except as allowed by a Class 2 petty offense. valid medical marijuana registration card;

(2) Consume marijuana openly and publicly, or in a manner that endangers others;

(3) Transfer, dispense, or sell marijuana, provided, however, that the transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older shall not be unlawful, and provided further, that the lawful transfer, dispensing or selling of marijuana by;

(4) Possess, grow, process, or transport more than six marijuana plants or more than three mature, flowering marijuana plants, except as permitted for a licensed retail or medical marijuana establishment; or

(5) Display marijuana on Town property.

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(c) Notwithstanding the provisions of this section, it shall not be unlawful for a person twenty-one years of age or older to possess, grow, process, or transport no more than six marijuana plants, with three or fewer being mature, flowering plants, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and the marijuana produced by the plants on the premises is not made available for sale.

Sec. (Ord. 92-04 §1)

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10-144. - False identification.

(a) It is unlawful for any person under the age of twenty-one to present a false, fictitious, or counterfeit identification when purchasing or attempting to purchase marijuana.

(b) It is unlawful for any person twenty-one years of age or older to present a false, fictitious, or counterfeit identification when purchasing or attempting to purchase marijuana.

Sec. 10-145. - Procuring marijuana for or by a minor; sales to a minor.

(a) It is unlawful for any person to purchase for consumption or possession by, to otherwise provide for consumption or possession by, or to sell to, any person under the age of twenty-one years, marijuana.

(b) It is unlawful for any person under the age of twenty-one to possess, attempt to purchase, purchase or obtain marijuana, either directly or indirectly, or through an intermediary, by misrepresentation of age or by any other means.

Secs. 10-144, 145—10-160. - Reserved.

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ARTICLE VIII - Offenses Relating to Alcoholic Beverages

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Sec. 10-161. - Definitions.

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

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Definitions in this code follow definitions in Colorado liquor code, except where otherwise indicated.

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(1) *Alcoholic beverages* or *alcoholic liquors* means malt beverages, vinous or spirituous liquors.

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(2) *Ethyl alcohol*, also commonly called *ethanol*, *drinking alcohol* or simply *alcohol*, is the principal type of alcohol found in alcoholic beverages, produced by the fermentation of sugars by yeasts.

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(2) *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.

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(3) *Malt liquors* 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.

(4) *Spirituous liquors* 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.

(5) *Vinous liquors* 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.

~~(Ord. 92-04 §1)~~

Sec. 10-162. - Sales near schools.

~~It shall be is~~ unlawful for any person to sell, offer or expose for sale or gift, beer or any vinous, spirituous or malt liquors within a distance of 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. This prohibition shall not, however, affect the rights of any person now 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 this time authorizing such business within the restricted area hereby established.

~~(Prior code 8-6-8; Ord. 92-04 §1)~~

Sec. 10-163. - Regulations concerning fermented malt beverages.

- ~~(a) — It is unlawful to sell fermented malt beverage to any person under the age of twenty-one (21) years, or to any person between the hours of midnight and 5:00 a.m., or for any person under twenty-one (21) years to purchase or possess the same. It is unlawful to permit any fermented malt beverages to be sold or dispensed by a person under the age of twenty-one (21) years or to permit any such person to participate in the sale or dispensing thereof.~~
- ~~(b) — It is unlawful for any person under the age of twenty-one (21) years to represent himself or herself to be of the age of twenty-one (21) years or more for the purpose of purchasing within the Town any fermented malt beverage.~~
- ~~(c) — It is unlawful for any person over the age of twenty-one (21) years to purchase or attempt to purchase fermented malt beverage for a person under the age of twenty-one (21) years.~~
- ~~(d) — It is unlawful to fail to display at all times in a prominent place on premises licensed for retail sale of fermented malt beverages a printed card with a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:~~

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~~IT IS ILLEGAL TO SELL 3.2 BEER TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE, AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY-ONE YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.~~

~~IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.~~

~~IT IS ILLEGAL IF YOU ARE TWENTY-ONE YEARS OF AGE OR OVER FOR YOU TO PURCHASE 3.2 BEER FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE.~~

~~FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.~~

- ~~(e) It shall be unlawful for any minor under twenty-one (21) years of age to have in his or her possession fermented malt beverages in public places, including but not limited to, public streets, alleys, roads or highways.~~

~~(Ord. 92-04 §1)~~

~~Sec. 10-164. Regulations concerning alcoholic beverages.~~

- ~~(a) It shall be unlawful for any person to sell alcoholic beverages to any person under the age of twenty-one (21) years or to permit any alcoholic beverages to be sold or dispensed by a person under twenty-one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof.~~

- ~~(b) It shall be unlawful for any minor under twenty-one (21) years of age to have possess or consume ethyl alcohol in his or her possession alcoholic beverages in public places, including but not limited to, public streets, alleys, roads or highways. the Town.~~

- ~~(c) It shall be unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any article which the person under the age of twenty-one (21) years of age is forbidden by law to purchase or possess.~~

~~(Prior code 8-6-13; Ord. 92-04 §1)~~

~~Sec. 10-165. Minors prohibited in taverns; exceptions; signs to be posted.~~

- ~~(a) d) It shall be unlawful to serve, give away, dispose of, exchange, deliver or permit the sale, serving, giving or procuring of any alcoholic beverage to or for any person who is the proprietor or keeper of a tavern to employ or permit any minor under the age of twenty-one (21) years to frequent or be in or about such place unless accompanied by such minor's parent or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same or to engage or participate in any game of billiards or any game, bet or wager with any cards or any other gambling device or any other game whatsoever in or about such place.~~

- ~~(b) It shall be the duty of any, a visibly intoxicated person who is the proprietor or keeper of a tavern to post conspicuously in his or her place of business the following sign: or a known habitual drunkard.~~

~~Minors under the age of twenty-one (21) years not allowed here unless accompanied by parents.~~

~~Failure to so post sign shall constitute an unlawful act.~~

~~(Prior code 8-6-4)~~

~~Sec. 10-166164. - Fights at bars or disturbances.~~

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No licensee shall permit any disturbance, undue noise or unlawful or disorderly act or conduct by any person or group of persons upon the premises.

(Ord. 92-04 §1)

Sec. 10-167-165. - Possession and consumption of alcoholic beverages in public prohibited.

(a) No person within the Town limits shall possess an opened container of or consume any malt, vinous or spirituous liquor or fermented malt beverage in public, except upon premises licensed for consumption of the liquor or beverage involved.

(b) For purposes of this Section, *opened container* means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage, or any container other than the sealed container prepared by a retailer for alcohol takeout or delivery in conjunction with state law. If an original container has been unsealed, undone or opened in any manner, it is an opened container for purposes of this Section.

(c) For purposes of this Section, *in public* means in or upon any public highway, street, alley, walk, parking lot, building, park or other public property or place, whether in a vehicle or not.

(Ord. 98-02 §1)

Secs. 10-168-109—10-190. - Reserved.

ARTICLE IX - Offenses Against Public Peace, Order and Decency

Sec. 10-191. - Indecent exposure.

(a) A person commits indecent exposure if he or she knowingly exposes 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.

(b) ~~Indecent exposure is a misdemeanor.~~

(Ord. 92-04 §1)

Sec. 10-192. - Storage of flammable liquids.

It shall be is unlawful to store or cause to be stored or parked 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.

(Prior code 8-5-1)

Sec. 10-193. - Abandoned containers, wells or cisterns.

It shall be is unlawful for any person to leave or permit to remain outside of any dwellings, buildings or other structures 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

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ice box, refrigerator or other container 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.

(Prior code 8-5-3)

Sec. 10-194. - Explosives.

It ~~shall be~~ unlawful for any person to store within the Town limits any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high five hundred (500) caps or other devices used for the detonation of such high explosives; other than gunpowder in conjunction with the lawful use of firearms and associated ammunition.

(Prior code 8-5-5)

Sec. 10-195. - False alarms.

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

(Prior code 8-5-6)

Sec. 10-196. - Assault.

(a) A person commits the crime of assault if he or she causes bodily injury to another person. The causing of pain upon another person shall be prima facie evidence of bodily injury.

(b) It ~~shall be~~ unlawful to assault another person.

(Prior code 8-5-7; Ord. 92-04 §1)

Sec. 10-197. - Harassment; stalking.

(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 or, without the consent of the owner thereof, onto private property or into a private residence;
- (4) Initiates Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or

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proposal by telephone ~~which, computer, computer network, computer system, or other interactive electronic medium that~~ is obscene; or

(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 and the abuse or threat tends to incite an immediate breach of the peace; or

(7) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

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

~~(c) Harassment is a misdemeanor.~~

~~(d)(c)~~ Any act prohibited by Subparagraph (4) of Subsection (a) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

~~(Ord. 92-04 §1; Ord. 97-05, §§I, II)~~

Sec. 10-198. - Disorderly conduct.

(a) 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) Abuses or threatens a person in a public place in an obviously offensive manner;

(3) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;

(4) Fights with another in a public place except in an amateur or professional contest of athletic skill;

(5) Not being a peace officer, displays a deadly weapon in a public place except when engaged in lawful target practice or hunting; or

(6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

(b) It is an affirmative defense to prosecution under Subsection (a)(2) of this Section that the actor had significant provocation for his or her abusive or threatening conduct.

~~(c) An offense under Subsection (a)(1) to (a)(3) of this Section is a Class 1 petty offense; and an offense under Subsections (a)(4) to (a)(6) is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

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Sec. 10-199. - Disrupting lawful assembly.

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

(b) ~~Disrupting lawful assembly is a misdemeanor.~~

~~(Ord. 92-04 §1)~~

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Sec. 10-200. ~~Disturbing religious worship.~~

~~It shall be unlawful for any person to disquiet or disturb any congregation or assembly for religious worship by making a noise, by rude or indecent behavior or by profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.~~

~~(Prior code 8-5-13)~~

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Sec. 10-201. - 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;

(2) Loiters for the purpose of engaging or soliciting another person to engage in prostitution.

(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 10-141(1) of this Code.

(c) It ~~shall be~~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 grievance, either in the course of labor disputes or otherwise.

~~(Ord. 92-04 §1; Ord. No. 12-20-2016B, § 1, 12-20-2016)~~

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Sec. 10-202. ~~Desecration of venerated objects.~~

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(a) — A person commits a misdemeanor if he or she knowingly desecrates any public monument, structure or place of worship or burial or desecrates in a public place any other object of veneration by the public or a substantial segment thereof.

(b) — The term *desecrate* means defacing, damaging, polluting or otherwise physically mistreating in a way that the defendant knows will outrage the sensibilities of persons likely to observe or discover his or her action or its result.

(Ord. 92-04 §1)

Sec. 10-203201. - Hindering transportation.

It is unlawful for any person commits a misdemeanor if he or she to knowingly and without lawful authority forcibly stopsstop and hindershinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association or corporation.

(Ord. 92-04 §1)

Sec. 10-204. — Throwing of stones or missiles.

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

(Prior code 8-5-19)

Sec. 10-205. — Publications inciting hatred and violence.

It shall be unlawful for any person to publish, distribute or cause to be published or distributed any circular, pamphlet, card or dodger, whether anonymous or not, which incites, counsels, promotes or advocates hatred, violence or hostility against any person or group or persons residing in the Town, by reason of race, color, religion or manner of worship.

(Prior code 8-5-20)

Sec. 10-206202. - Disturbance, breach of peace.

It is unlawful for any person in the Town to make, countenance or assist in the making of undue or unnecessary noise, riot, disturbance or breach of peace on public or private property so as to disturb or cause to be disturbed the lawful peace and quiet of another person or persons.

(Ord. 92-04 §1)

Sec. 10-207203. - Public urination.

No person shall urinate or defecate when in any park within the Town limits, or on any property zoned for residential uses without the express permission of the owner, or within any portion of the Town zoned for business, industrial or public uses, unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the wastes in a sanitary manner and that is enclosed from the view of the general public.

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~~(Ord. 92-04 §1)~~

Secs. 10-208—10-230. - Reserved.

ARTICLE X - Offenses Relating to Weapons

Sec. 10-231. - Unlawfully carrying a concealed weapon.

- (a) ~~A-It is unlawful for a~~ person ~~commits a misdemeanor if he or she to~~ knowingly and unlawfully:
- (1) Carries a knife with a blade exceeding 3.5" concealed on or about his or her person; or
 - (2) Carries a firearm concealed on or about his or her person.
- (b) It ~~shall be~~ an affirmative defense that the defendant was:
- (1) A person in his or her own dwelling or place of business 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 his, her or another's property, while traveling;
 - (3) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to law; or
 - (4) A peace officer.

~~(Ord. 92-04 §1)~~

Sec. 10-232. - Prohibited use of weapons.

~~It is unlawful for any~~ person ~~commits a misdemeanor if to~~:

- (1) ~~He or she knowingly~~ Knowingly and unlawfully ~~aims~~ aim a firearm at another person;
- (2) Recklessly or with criminal negligence, ~~he or she discharges~~ discharge a firearm or ~~shoots~~ shoot a bow and arrow;
- (3) ~~He or she knowingly sets~~ Knowingly set a loaded gun, trap or device designed to cause an explosion upon being tripped or approached, and ~~leaves~~ leave it unattended by a competent person immediately present; or
- (4) ~~He or she has~~ Have in ~~his or her~~ their possession a firearm while ~~he or she is~~ under the influence of intoxicating liquor or of a controlled substance, as defined in Section 10-141(1) of this Code. Possession of a permit issued under Section 18-12-105.1, C.R.S., is no defense to a violation of this Section.

~~(Ord. 92-04 §1)~~

Secs. 10-233—10-250. - Reserved.

ARTICLE XI - Offenses Relating to Minors

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Sec. 10-251. - Juvenile loitering during nighttime hours.

(a) It ~~shall be~~is unlawful for any person under the age of eighteen (18) years to loiter or to aimlessly drive or ride about, on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement or eating place, whether public or private, without the consent or permission of the owner or occupant thereof, during the hours ending at 6:00 a.m. and beginning at 12:00 a.m. on Saturday and Sunday mornings and beginning at 10:00 p.m. on Sunday night through Thursday night. No violation of this Section will have occurred if the person under the age of eighteen (18) years is accompanied by a parent, guardian or other adult person over the age of twenty-one (21) years who is authorized by a parent or guardian of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.

(b) Each violation of the provisions of this Section shall constitute a separate offense.

~~(Prior code 8-6-5; Ord. 97-03 §I)~~

Sec. 10-252. - Juvenile loitering during nighttime hours; parental responsibility.

(a) It ~~shall be~~is unlawful for the parent, guardian or other adult person having the care and custody of a juvenile under the age of eighteen (18) years to knowingly permit or allow such juvenile to loiter or to aimlessly drive or ride about at the places and within the time prohibited by Section 10-251. The term *knowingly* includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent or guardian's custody. It shall be no defense that a parent, guardian or other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile.

(b) Each violation of the provisions of this Section shall constitute a separate offense.

~~(Prior code 8-6-6; Ord. 97-03 §II)~~

Sec. 10-253. - Parent or guardian aiding, abetting.

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

~~(Prior code 8-6-7)~~

~~Sec. 10-254. - Encouraging delinquency.~~

~~It shall be 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~~It is 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.

~~(Prior code 8-6-9)~~

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Sec. 10-~~255~~254. - Services of others.

~~It shall be 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 minor is forbidden by law to purchase.

~~(Prior code 8-6-12)~~

Sec. 10-~~256~~255. - Loitering and other acts in or about schools.

~~It shall be 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.

~~(Prior code 8-6-14)~~

Secs. 10-~~257~~256—10-270. - Reserved.

ARTICLE XII - Noise

Sec. 10-271. ~~Noise.~~

- (a) ~~The making and creation of excessive, unnecessary or unusually loud noises within the limits of the Town is a condition which has existed, and the extent and volume of such noises continue to be of concern.~~
- (b) ~~The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town.~~
- (c) ~~The necessity in the public interest for the provisions and prohibitions contained and enacted in this Chapter is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained in this Chapter and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town.~~

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~~(Prior code 8-8-1; Ord. 94-02 §1)~~

~~Sec. 10-272, - Prohibited noise.~~

(a) The following noises are prohibited:

- (1) The sounding of any horn or signaling device on any automotive, motorcycle or other vehicle on any street or public or private place for a prolonged time, except as a danger warning.
- (2) The operating or permitting to be played or use of any machine or device for the producing or reproducing of sound in such a manner as to exceed the limits in Section 10-272(b), below.
- (3) Yelling, shouting, hooting, whistling or singing, particularly between the hours of 10:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (4) The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (5) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (6) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building other than between 7:00 a.m. and 7:00 p.m. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Town Clerk, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues.

(b) It ~~shall be~~ unlawful for any person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection, preservation or improvement of property or of the health, safety, life or limb of some person. In applying the provisions of this Section, the following noise levels shall create a presumption that the noise unreasonably disturbs the peace and quiet of persons in the vicinity thereof:

Zone	7:00 a.m. to 7:00 p.m.	7:00 p.m. to next 7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Commercial	60 dB(A)	55 dB(A)

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The noise shall be measured on the A weighing scale on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

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For purposes of this Section, measurements with sound level meters shall be made when wind velocity is not more than five (5) miles per hour, or twenty-five (25) miles per hour with a windscreen. Measurements shall be made at a distance of at least twenty-five (25) feet from a noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, at the property line of the property on which the noise source is located.

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(c) The following are exemptions to the noises prohibited by Subsection (b):

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(1) Noises of safety signals, burglar, fire and flood warning devices, and orders given through an electronic voice amplifier by a Law Enforcement Officer or by a member of a Fire Department.

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(2) Noises resulting from any authorized emergency vehicle when responding to an emergency call.

(3) Noises resulting from work authorized by the Town.

(4) The electronic amplification of sound emanating from an event authorized by the Town.

(5) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Town in accordance with Town policy.

(6) Any noise resulting from activities necessary for the compliance with weeds and brush regulations of Chapter 7, Article III of this Code, or to mitigate fire or other dangers to the property, including but not limited to the use of chainsaws, weed whackers and lawnmowers, so long as said activities occur between the hours of 7:00 a.m. and 7:00 p.m.

~~(Prior code 8-8-1; Ord. 94-02 §§II-IV; Ord. No. 9-1-2015C, § 1, 9-1-2015)~~

Sec. 10-272. - Waiver.

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The Board of Trustees will consider requests for waiver of any portion of Sections 10-271 and 10-272 for an event for which the organizers wish to use electronically amplified sound after the hours prescribed within said sections. After hearing all who wish to speak for or against the request, the Board of Trustees shall determine whether or not the granting of the waiver will unduly disturb the neighborhood in which the event is to take place.

~~(Ord. 94-02 §VI)~~

Sec. 10-274. - Animals.

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~~It shall be 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 subsection shall not apply to hospitals conducted for the treatment of small animals which are approved by the Health Department, or to premises occupied or used by the Town pound.~~

(Prior code 8-8-1)

~~Sec. 10-275~~**273. - Sirens, whistles, gongs and red lights.**

It ~~shall be~~**is** unlawful for any person to carry or use upon a vehicle, other than Marshal's 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 Marshal's and Fire Departments.

(Prior code 8-8-1)

~~Sec. 10-276~~**274. - Mufflers.**

It ~~shall be~~**is** unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it ~~shall be~~**is** unlawful for any person operating any motor vehicle to use a cut-out, bypass or similar muffler elimination appliance.

(Prior code 8-8-1)

Secs. 10-~~277~~~~275~~—10-290. - Reserved.

ARTICLE XIII - Fireworks

Sec. 10-291. - Definitions.

Fireworks means and includes any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including without limitation the following articles and devices commonly known and used as fireworks: toy cannons, toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrocketes, roman candles and Day-Globombs. The term *fireworks* shall not include fountains, pinwheels, toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided above.

(Prior code 8-5-4)

~~Sec. 10-292. - License required—~~**Fireworks prohibited.**

No person shall sell at retail any type of fireworks, including fountains, pinwheels, sparklers or torches, until he or she has obtained a license from the Board of Trustees.

(Prior code 8-5-4)

~~Sec. 10-293. - Requirements.~~

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A license to sell fireworks in the Town shall issue only for such sales as are permitted under this Article and state statutes and only when the Board of Trustees has determined that the vendor meets the following requirements:

- (1) That the applicant or, if a corporation, its officers and directors, are of a good moral character and reputation; or
- (2) That the applicant has no plan, intent or scheme to make sales which are prohibited by this Article or the state statutes.

(Prior code 8-5-4)

~~Sec. 10-294. Duration and fees.~~

Such license shall be valid for a period of twelve (12) months from the date of issuance, and a fee as established by resolution of the Board of Trustees shall be payable for the issuance or renewal of such license.

(Prior code 8-5-4; Ord. 92-04 §1)

Sec. 10-295. The use of fireworks, firecrackers, torpedoes, Roman candles, skyrockets and other pyrotechnic displays are prohibited within the corporate limits of the Town; provided however, that the Town may from time to time issue special permits allowing public displays sponsored by the Town.

Sec. 10-293. - Unlawful to sell or use.

Except as otherwise provided in this Article, it ~~shall be~~ unlawful for any person to offer for sale, expose for sale, sell or have in his or her possession with intent to offer for sale, sell or use any fireworks within the Town.

(Prior code 8-5-4)

Sec. 10-296294. - Permits.

The Board of Trustees shall have the power to grant permits within the Town for supervised public displays of fireworks by the Town, amusement parks and other organizations and groups and to adopt reasonable rules and regulations for the granting of such permits. Application for a permit shall be made in writing at least fifteen (15) days in advance of the date of display. Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved after investigation by ~~the Marshal's Department or an authorized~~ the Marshal's Department or an authorized agent thereof. No permit shall be transferable or assignable.

(Prior code 8-5-4)

Sec. 10-297295. - Bond.

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A satisfactory bond shall be required of each permittee in the sum of not less than five hundred dollars (\$500.00), conditioned for the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from the acts of the permittee, his or her agents, employees or subcontractors. The aggregate liability of the surety on such bond for all damages shall in no event exceed the sum of such bond.

(Prior code 8-5-4)

Sec. 10-~~298~~296. - Disposal of unfired fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the Fire Department in a method which is safe for the discharge of that or those particular types of fireworks.

(Prior code 8-5-4)

Sec. 10-~~299~~297. - Seizure of fireworks.

The Marshal's Department shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Article.

(Prior code 8-5-4)

Sec. 10-~~300~~298. - Construction.

This Article shall not be construed to prohibit:

- (1) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell, fireworks to any municipality, fair, association, amusement park or the governing body of any county or district fair organized under the laws of the State;
- (2) Any person from using or exploding fireworks in accordance with the provisions in this Article or as a part of supervised public display at any county or district fair organized under the laws of the State;
- (3) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell, any fireworks which are to be sold and are shipped directly out of State;
- (4) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell or using or exploding any article, device or substance for a purpose other than display, exhibition, noise, amusement or entertainment;
- (5) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell or using or exploding blank cartridges for a show or theater or for signal or ceremonial purposes in organized athletics or sports; or
- (6) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell or using or firing toy pistols, toy guns, sparklers or

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torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulation for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided in this Article.

(Prior code 8-5-4)

Secs. 10-201 to 10-320. - Reserved.

ARTICLE XIV - ~~House Cars~~ Recreational Vehicles, Trailers and Tents

Sec. 10-321. - Definitions.

Whenever in this Article the words hereinafter defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

Boat trailer shall mean a portable structure used for the transport and out-of-water storage of any boat or watercraft.

Cargo trailer shall include, but not be limited to, the transport or storage of merchandise, building materials, commerce items, vehicles, tools, refrigeration or manufacturing process, whether of an enclosed design, flatbed, stake bed or tarpaulin covered.

Horse trailer or *stock trailer* shall mean any portable structure designed and intended for the transport and temporary shelter of any animal to include, but not inclusive to, horse, cow, llama, pig, goat, sheep or similar form of domesticated or wild animal.

House car shall be defined as a **Recreational vehicle** means a vehicular or portable structure designed for or capable of human habitation; unit mounted on wheels and being either self-propelled or drawn by a stock motor vehicle or designed to be loaded onto or affixed to the bed or chassis of a truck or portable structure and wheels, which either has its own motive power or is mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material which folds for towing by or drawn by another vehicle and unfolds at a campsite. A recreational vehicle is generally not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living or sleeping quarters for recreational, camping or travel use. The term ~~house car~~ **recreational vehicle** shall include units designated as campers, camper buses, motor homes, tent trailers, travel trailers or any other portable structure designed for or used for human habitation.

House trailer as used herein shall mean any structure intended for or capable of human habitation and capable of being moved from place to place either by its own power or power supplied by some vehicle attached or to be attached thereto, and regardless of whether wheels have been removed therefrom and the same set upon a permanent foundation.

Tent shall be defined as a collapsible, temporary and portable structure of canvas or other fabric, supported internally or externally by wood, metal poles or framework, wire or cable.

(Amendment to Ord. 76 §1, 1962; Ord. 2-1988 §1; Ord. 03-2008 §1)

Sec. 10-322. - Placement on public property.

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(a) No person shall permit any ~~house car~~recreational vehicle or trailer to be parked or stand upon any public street, alley, park or way of the Town for longer than four (4) hours during any twenty-four-hour period. However, the Board of Trustees may, by resolution, designate locations within the Town on property owned by the Town where ~~house cars~~recreational vehicles or trailers may be maintained and which ~~house cars~~recreational vehicles or trailers may be used for living purposes, provided that the same shall pose no threat to the public health and be permitted by the County Health Departments.

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(b) No ~~house car~~recreational vehicle or trailer shall be permitted to be parked upon any street within the corporate limits of the Town so as to extend outward into the street a distance in excess of ten (10) feet measured at right angles with the curb or to project into or obstruct any traffic lane.

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(c) No person shall cause or permit any tent to be erected upon any public street, alley, park or way of the Town.

~~(Ord. 2-1988 §2; Ord. 03-2008 §1)~~

Sec. 10-323. - Placement on private property.

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(a) No person shall maintain or permit to be maintained any ~~house car~~recreational vehicle upon any private property within the Town when the same is used for living purposes.

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(b) No person shall cause or permit any tent to be erected and/or maintained on private property when the same is used for living purposes for a period exceeding three (3) days.

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~~(Ord. 2-1988 §3; Ord. 92-04 §1)~~

Sec. 10-324. - Inhabiting ~~house trailers~~recreational vehicles.

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(a) The Board of Trustees hereby finds and declares the keeping or maintenance of house trailers on private property for the purpose of actual abode therein within the corporate limits of the Town to be a public nuisance.

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(b) Hereafter, it ~~shall be~~is unlawful for any person to keep, maintain or permit to be kept or maintained on property owned or leased by such person, within the corporate limits of the Town, any house trailer used for the actual purpose of human habitation; provided, however, that it ~~shall be~~is lawful for any and all persons to maintain and store privately owned house trailers or other mobile abodes, including but not limited to pickup campers, camping trailers, cargo trailers, horse and stock trailers and boat trailers, provided that said named trailers do not exceed twenty-two (22) feet in actual length, and further provided that said mobile abodes, house trailers, pickup campers and camping trailers so stored shall not be used as supplemental abodes, extra sleeping rooms or living quarters in any respect while the same are stored on private property within the Town.

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~~(Amendment to Ord. 76 §§2, 3, 1962; Ord. 03-2008 §1)~~

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ARTICLE XV - ~~R~~Restriction of all Open Fires and Open Burning¹

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Sec. 10-325. - Purpose.

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The purpose of this Ordinance is to preserve and protect the public health, safety, and welfare of the citizens of the Town of Green Mountain Falls, Colorado, by restricting open fires and open burning in the Town of Green Mountain Falls in order to prevent forest fires given the high danger of such fires as a result of atmospheric conditions, including lack of moisture, and other local conditions.

(Ord. No. 02-2013, § 1, 9-17-2013)

Sec. 10-326. - Interpretation.

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to preserve and protect the public health, safety, and welfare of the citizens of the Town of Green Mountain Falls, Colorado, by restricting open fires and open burning in order to prevent forest fires given the high danger of such fires in the area.

(Ord. No. 02-2013, § 1, 9-17-2013)

Sec. 10-327. - Definitions.

(a) *Open fire or open burning.* For purposes of this Ordinance, open fires or open burning shall be defined as any outdoor fire, including, but not limited to, campfires, warming fires, cooking fires, charcoal grill fires, fires in outdoor wood burning appliances, the use of explosives, outdoor welding or operating an acetylene or other torch with open flame other than in an area cleared of all flammable materials, fireworks of all kinds or brands, and the prescribed burning of fence lines or rows, fields, farmlands, rangelands, wildlands, trash, and debris.

(b) *Fire restriction evaluation guidelines.* That set of evaluation criteria currently in use by local Federal, State and local fire suppression/management agencies for monitoring fuel moistures, fire danger class, current impacts on suppression resources, current fire cause types, fire weather forecasts, and other indicators of predicted fire danger.

(Ord. No. 02-2013, § 1, 9-17-2013)

Sec. 10-328. - Stage I restrictions.

Prohibits the following activities:

- (1) Open burning, excepting fires and campfires within permanently constructed fire grates in developed campgrounds and picnic grounds, charcoal grills and permanent outdoor fireplaces at private residences in areas cleared of all flammable materials.
- (2) The sale or use of fireworks; as defined in Section 10-291.
- (3) Outdoor smoking except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable materials.
- (4) Launching of model rockets.
- (5) Portable wood burning firepits or fire rings.

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(6) Chimineas.

(7) Outdoor charcoal grills and permanent outdoor fireplace constructed with a spark arrestor on the chimney shall be allowed during Stage I restrictions, provided they are at private residences and in an area cleared of all flammable materials including dry vegetation.

~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-329. - Stage II restrictions.

Prohibits the following activities:

- (1) All open burning as defined in Stage I.
- (2) Outdoor smoking except within an enclosed vehicle or building.
- (3) Outdoor grilling with charcoal.

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~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-330. - Unlawful acts.

During Stage I or Stage II restrictions, it ~~shall be is~~ unlawful for any person to build, maintain, attend or use an open fire, conduct an open burn, conduct sales of fireworks, or engage in outdoor smoking other than as explicitly allowed herein, in the Town of Green Mountain Falls including public, private, state, and applicable federal lands.

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~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-331. - Requirements when and where outdoor fires are permitted.

- (1) The outdoor fires must be attended at all times.
- (2) Attendees of an outdoor fire must have a suitable extinguisher nearby such as: a functioning garden hose, an extinguisher or dry chemical extinguisher.
- (3) An outdoor fire must be at least twenty (20) feet from structures, including all buildings.

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~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-332. - Exceptions/exemptions.

(a) The following shall not be in violation:

- Commercial or community fireworks displays properly permitted.
- Fires contained within liquid-fueled or gas-fueled stoves.
- Indoor fireplaces and wood-burning stoves installed and maintained in compliance with all applicable codes and ordinances.

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- Chainsaws with appropriate spark arrestors.
- Outdoor charcoal grills and permanent outdoor fireplace constructed with a spark arrestor on the chimney shall be allowed during Stage I restrictions, provided they are at private residences and in an area cleared of all flammable materials including dry vegetation.

(b) The burning of irrigation ditches is prohibited by this Ordinance.

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(c) Any Federal, State, or local officer, or member of a rescue or firefighting force organized, employed or contracted by a Federal, State or local firefighting, military, or police protection service in the performance of an official duty.

(d) Any further exemptions to either the meaning of terms or the enforcement of this Ordinance shall be granted only by the Fire Chief, and only if the proposed action is deemed to be safe and mitigable in the Fire Chief's sole discretion based on best fire safety practices.

~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-333. - Implementation of stages.

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The Fire Chief or his or her designee may monitor fire danger conditions and coordinate with Federal, State and local fire agencies to determine the appropriate stage of restrictions. When the established Fire Restriction Evaluation Guidelines indicate that enforcement of this Ordinance under Stage I restrictions should be reinstated, or that restrictions should be upgraded to Stage II restrictions, the Town of Green Mountain Falls' Public Information Officer or his or her designee shall coordinate with the Fire Chief and provide notification to the public through a general press release to local television, radios and print media, as well as posting at the Green Mountain Falls Town Hall. Likewise, when conditions indicate a reduction in restrictions from Stage II to Stage I, or the suspension of enforcement, the same notification to the public shall occur.

~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-334. - Enforcement agencies/prosecution.

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This Ordinance shall be enforced by the Green Mountain Falls Marshal, or his or her deputies, including thereby the administering agencies of the State and Federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Ordinance. This authority shall include, but not be limited to, the right to issue a penalty assessment notice and the right to take such person or persons into temporary custody. Any further exception to the enforcement ability of this Ordinance by the administering agency shall be granted only by the administering agency, and only if the proposed action is deemed by the Fire Chief or the State or Federal administering agency to be safe or mitigable.

~~(Ord. No. 02-2013, § 1, 9-17-2013)~~

Sec. 10-335. - Penalties.

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It is unlawful for any person to violate any of the provisions adopted in this Article. ~~Violation of this Ordinance shall be a misdemeanor under Green Mountain Falls Municipal Code.~~ The penalties for violation of this adopted Code are as set forth in ~~a resolution or subsequent modifications thereof.~~

~~(Ord. No. 02-2013, §in Section 1, 9-17-2013)~~

~~-42 of this Code.~~

~~Secs. 10-336—10-340. - Reserved.~~

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CHAPTER 10 - General Offenses _

ARTICLE I - General Provisions

Sec. 10-1. - Adopted.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference, in part, Title 18, C.R.S., officially approved, adopted and published by the State, of which one (1) copy is on file at the Town Hall and may be inspected during regular business hours, pursuant to the adopted ordinance, to wit: (Ord. 92-04 §1)

Sec. 10-2. - Legislative purpose.

It is the purpose of this Chapter to provide for the public health, safety and welfare of the Town.

Sec. 10-3. - Local question.

It is the intention of the Board of Trustees that the ordinances and provisions of this Chapter deal with matters of "local" and "mixed" state and local concern and that no provision of this Chapter is to be construed expressly or by implication to permit conduct that is illegal under the laws of the State or to prohibit conduct that is expressly permitted by the laws of the State. The provisions of this Chapter are to be construed to apply to misdemeanors and other minor and petty offenses only and are not to be interpreted to apply to conduct that is defined as a felony under the laws of the State.

Sec. 10-4. - Irreconcilable ordinances.

If the Board of Trustees enacts an ordinance that is irreconcilable with another provision of this Chapter, the ordinance whose effective date is latest prevails.

Sec. 10-5. - Application of Code.

(a) A person is subject to prosecution in Municipal Court for a violation committed through the conduct of such person or through the conduct of another for whom such person is legally accountable, if:

- (1) The conduct constitutes a violation and is committed either wholly or partly within the Town;
- (2) The conduct outside the Town constitutes an attempt, as defined by this Chapter, to commit a violation within the Town;
- (3) The conduct outside the Town constitutes a conspiracy to commit a violation within the Town, and an act in furtherance of the conspiracy occurs in the Town; or
- (4) The conduct within the Town constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction a violation prohibited under the laws of the Town and such other jurisdiction.

(b) Whether a violator is in or outside the Town is immaterial to the commission of a violation based on an omission to perform a duty imposed by the law of the Town.

(c) *Town*, as used in this Chapter and in any summons, summons and complaint or complaint alleging a violation of the Code or any ordinance, includes both the area within the territorial limits of the Town of Green Mountain Falls, Colorado, and also those areas over which extraterritorial police power has been granted by the statutes of this State. It is the intent of the Board of Trustees to extend the territorial jurisdiction of the Municipal Court as widely as possible. However, where specific sections of this Chapter require that the violation occur "within the Town," then the offense is limited to the territorial limits of the Town.

~~Sec. 10-6. - Classification of violations.~~

~~Violations of this Code shall be classified as misdemeanors, Class 1 petty offenses or Class 2 petty offenses.~~

~~Sec. 10-7. - Violations.~~

~~(a) The terms *crime*, *petty offense*, *offense*, *misdemeanor* and *violation*, as used in this Code or any uncodified ordinance, are synonymous. Any act or omission declared to be a violation or to be unlawful or required or prohibited by the phrase "no person shall," or similar mandatory language in or by this Code, any ordinance of the Town or any rule promulgated thereunder, constitutes a violation.~~

~~(b) Unless otherwise specifically provided in this Code, an ordinance of the Town or a rule promulgated thereunder, every day of a violation of this Code, ordinance or rule constitutes a separate violation.~~

~~Sec. 10-68. - Statute of limitations.~~

No person shall be prosecuted, tried or punished for any violation under this Code or any ordinance unless the action for said violation is instituted within one (1) year of the date of the alleged violation, but the statute of limitations within which a prosecution must be instituted shall be tolled for any period in which a prosecution is pending against the accused for the same conduct, even if the summons, complaint or summons and complaint that commence the prosecution are quashed or the proceedings thereon are set aside or reversed on appeal.

~~Secs. 10-9 - 10-20. - Reserved~~

Sec. 10-725. - Violation and penalty.

The penalty for violation of any provision of this Chapter is as set forth in Section 1-42 of this Code, subject to the following:

(a) A plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Any restitution ordered by the Municipal Court shall be in addition to any such fine.

(b) The Municipal Court may award restitution to any victim of any action specified as unlawful in this Chapter and may order a person found or pleading guilty to any such violation to pay such restitution as ordered by the Municipal Court. Such restitution shall be determined by the submission of a bill of costs by the victim to the Municipal Court on a form approved by the Municipal Court. Authority is expressly granted to the Municipal Court to order such restitution for any and all costs incurred by public safety and/or emergency response agencies of the Town or

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other governmental or quasi-governmental entities in connection with the initial response to and all subsequent follow-up investigations of violations of this Chapter. Any restitution ordered by the Municipal Court shall be in addition to any fine and/or imprisonment authorized by this Code and shall likewise be applicable to any situation in which a deferred judgment or deferred sentence is accepted and/or imposed by the Municipal Court.

(c) The Municipal Court may order any person convicted of or pleading guilty to any violation of this Chapter to perform useful public service not exceeding 100 hours, which may be in addition to any other penalty imposed by the Municipal Court.

Secs. 10-2109—10-20 - Reserved

ARTICLE II - Offenses By or Against Public Officers and Government

Sec. 10-21. - Definitions.

As used in this Chapter, unless the context otherwise requires:

- (1) *Government* includes any branch, subdivision, institution or agency of the government of this Town.
- (2) *Governmental function* includes any activity which a public servant is legally authorized to undertake on behalf of a government.
- (3) *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. 10-22. - Resisting arrest.

(a) ~~A person commits resisting arrest~~It is unlawful to resist arrest by knowingly if he or she knowingly preventing or attemptings to prevent a peace officer, acting ~~under color of his or her official authority~~in the discharge of their duty, 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 bodily injury to the peace officer or another.

(b) It is no defense to prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if he or she was acting under color of his or her official authority and, in attempting to make the arrest, he or she 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, he or she 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 him or her.

~~(c) Resisting arrest is a misdemeanor.~~

Sec. 10-23. - ~~Interference with peace officers~~Obstructing peace officer, deputy marshal, firefighter, emergency medical services provider, rescue specialist or volunteer.

~~(a) It shall be unlawful for any person in any way to interfere with or hinder any peace officer, marshal or deputy marshal while such person is discharging his or her duties.~~

~~(a)~~ A person commits obstructing a peace officer, marshal, firefighter, emergency medical service provider, rescue specialist or volunteer ~~when, or fireman who,~~ by using or threatening to use violence, force or physical interference or obstacle, ~~he or she~~such person knowingly obstructs, impairs or hinders the enforcement of ~~the penal law or the preservation of 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 a fire by a fireman, acting under color of his or her official authority~~ any duty of the peace officer, marshal, firefighter, emergency medical services provider, rescue specialist or volunteer.

~~(b)~~ It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority, as defined in Section 10-22(b) above.

~~(c)~~ This Section does not apply to obstruction, impairment or hindrance of the making of an arrest.

~~(e) Obstructing a peace officer is a misdemeanor.~~

Sec. 10-24. - Duty to aid; ~~r~~Refusing to aid a peace officer.

~~(a)~~

~~Is unlawful for a~~ A person eighteen (18) years of age or older ~~commits a Class 1 petty offense when, to,~~ upon command by a person known to him or her to be a peace officer, ~~he or she~~ unreasonably refuses or fails to aid the peace officer in effecting or securing an arrest or preventing the commission by another of any offense.

Sec. 10-25. - Violation and penalty.

~~The penalty for violation of any provision of this Chapter is as set forth in Section 1-4-20 of this Code, subject to the following:~~

~~(a) A plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Any restitution ordered by the Municipal Court shall be in addition to any such fine.~~

~~(b) The Municipal Court may award restitution to any victim of any action specified as unlawful in this Chapter and may order a person found or pleading guilty to any such violation to pay such restitution as ordered by the Municipal Court. Such restitution shall be determined by the submission of a bill of costs by the victim to the Municipal Court on a form approved by the Municipal Court. Authority is expressly granted to the Municipal Court to order such restitution for any and all costs incurred by public safety and/or emergency response agencies of the Town or other governmental or quasi governmental entities in connection with the initial response to and all subsequent follow-up investigations of violations of this Chapter. Any restitution ordered by the Municipal Court shall be in addition to any fine and/or imprisonment authorized by this Code~~

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~~and shall likewise be applicable to any situation in which a deferred judgment or deferred sentence is accepted and/or imposed by the Municipal Court.~~

~~(e) The Municipal Court may order any person convicted of or pleading guilty to any violation of this Chapter to perform useful public service not exceeding 100 hours, which may be in addition to any other penalty imposed by the Municipal Court.~~

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~~Sec. 10-25. - Interference with firemen on duty.~~

~~It shall be unlawful for any person to hinder, obstruct, oppose or interfere with any member of the Fire Department while he or she is in the performance of his or her duty.~~

Sec. 10-256. - Compounding.

(a) A person commits compounding if he or she accepts or agrees to accept any pecuniary benefit as consideration for:

- (1) Refraining from seeking prosecution of an offender; or
- (2) Refraining from reporting to law enforcement authorities the commission or suspected commission of any crime or information relating to a crime.

~~(b) Compounding is a misdemeanor.~~

Sec. 10-267. - Resisting an officer; assisting an escape; rescuing a prisoner.

(a) It ~~shall be~~ unlawful for any person to resist any peace officer, marshal, deputy marshal, any member of the Marshal's Department or any person duly empowered with police authority while in the discharge or apparent discharge of his or her duty or in any way to interfere with or hinder him or her in the discharge of his or her duty.

(b) It ~~shall be~~ unlawful for any person to offer or endeavor to assist any person to escape or to attempt to escape from custody, or rescue or attempt to rescue any person in the custody of a peace officer, marshal, deputy marshal, member of the Marshal's Department or a person duly empowered with police authority. ~~to escape or to attempt to escape from custody.~~

~~(c) It shall be unlawful for any person to rescue or attempt to rescue any person in the custody of a peace officer, marshal, deputy marshal, a member of the Marshal's Department or a person duly empowered with police authority.~~

Sec. 10-278. - False reporting to authorities.

(a) A person commits false reporting to authorities if:

- (1) He or she 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) He or she 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; or

(3) He or she 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.

~~(b) — False reporting to authorities is a misdemeanor.~~

Sec. 10-289. - Interference with alarm system; false alarm.

It ~~shall be~~ unlawful for any person to damage or interfere with any fire alarm system or appliance or any part of the same. It ~~shall be~~ unlawful for any person to make or give a false alarm of fire.

~~Sec. 10-30. - Duty of citizens to aid peace officers, deputy marshals.~~

~~It shall be the duty of all persons when called upon by a peace officer, marshal, deputy marshal or any other member of the Marshal's Department to promptly aid and assist such peace officer, marshal, deputy marshal or member in the discharge of his or her duties.~~

Sec. 10-294. - Impersonating an officer, Town officer, or employee.

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(a) It ~~shall be~~ unlawful for any person other than an official marshal or deputy marshal of the Town to wear the uniform, apparel or any other insignia of office like, similar to or a colorable imitation of that adopted and worn by the official marshal or deputy marshals.

(b) It ~~shall be~~ unlawful for any person to counterfeit, imitate or cause to be counterfeited, imitated or colorably imitated the uniform, apparel or insignia of office used by the Marshal's Department.

~~(c) Is is unlawful for any person other than an official marshal or deputy marshal of the Town to operate a motor vehicle adorned with lights, insignias, or symbols to imitate the official Town police/marshal vehicles.~~

~~Sec. 10-32. - Impersonating Town officers and employees.~~

~~(c) It shall be~~ unlawful for any person to willfully, unlawfully or fraudulently represent himself or herself to be a Town officer or an employee of the Town and purporting to perform the duties of any such officer or employee when he or she is not an authorized officer or employee of the Town.

Sec. 10-303. - Escapes.

~~A person commits a Class 1 petty offense if~~ It is unlawful for any person, while being in custody or confinement and held for or charged with but not convicted of a misdemeanor or petty offense, ~~he or she~~ knowingly escapes from said custody or confinement.

Sec. 10-314. - Interference with official function; entering or remaining on restricted Town premises.

(a) It is unlawful for any person to intentionally, knowingly or recklessly interfere with, disrupt, hinder or impede the normal operation of or an official function of the Town, or any department or official thereof.

~~Sec. 10-35. Entering or remaining on restricted Town premises.~~

(b) It is unlawful for any person to enter or remain in or on premises of the Town which have been posted "Employees Only," "No Admittance" or similar notice without invitation or permission of an authorized employee of the Town.

~~Sec. 10-36. Order to refrain from entering or for removal from Town premises.~~

(c) It is unlawful for any person to remain in or on any premises of the Town or reenter any premises of the Town after the person has been ordered to remove himself or herself from the premises or to refrain from entering the premises by an employee of the Town. For purposes of this Section, the department head or employee on duty shall have the authority to issue an order for any person to remove himself or herself from the premises or to refrain from entering the premises.

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~~Secs. 10-37—10-50. - Reserved.~~

ARTICLE III - Attempt, Conspiracy, Complicity, Accessory

Sec. 10-51. - 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.~~

Sec. 10-52. - Conspiracy.

(a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agreed 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 agreed 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 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 or persons to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person or persons, whether or not he or she knows their 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.~~

Sec. 10-53. - 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. 10-54. - 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 or has been convicted of, or is charged by pending information, indictment or complaint with a crime, or is suspected of or wanted for a crime, and if that crime is designated by this Code as a misdemeanor of any class.~~

Secs. 10-55—10-70. - Reserved.

ARTICLE IV - Offenses Against the Person

Sec. 10-71. - Menacing.

A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.
~~Menacing is a misdemeanor.~~

Sec. 10-72. - Reckless endangerment.

A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment, ~~which is a misdemeanor.~~

Sec. 10-73. - False imprisonment.

Any person who knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment, ~~which is a misdemeanor.~~ This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties.

Secs. 10-74—10-90. - Reserved.

ARTICLE V - Offenses Against Property

Sec. 10-91. - Fourth degree arson.

(a) A person who knowingly or recklessly starts or maintains a fire or causes an explosion, on his or her own property or that of another, and by so doing places any building or occupied structure of another in danger of damage, commits fourth degree arson.

~~(b) Fourth degree arson is a misdemeanor.~~

Sec. 10-92. - Theft.

(a) 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 ~~four hundred~~ one thousand dollars (\$~~400~~1000.00), 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.

~~(b) Theft is a misdemeanor.~~

Sec. 10-93. - Obtaining control over any stolen thing of value - conviction.

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

~~Sec. 10-94. - Motor vehicle theft.~~

~~A person who knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception commits motor vehicle theft. Motor vehicle theft is a misdemeanor.~~

Sec. 10-94~~5~~. - Theft by receiving.

(a) 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 the thing of value is less than ~~four hundredone thousand~~ dollars (\$~~400~~1000.00).

~~(b) - Theft by receiving is a misdemeanor.~~

~~Sec. 10-96. - Criminal mischief.~~

~~Any person who knowingly damages the real or personal property of one (1) or more other persons in the course of a single criminal episode commits criminal mischief, which is a misdemeanor.~~

Sec. 10-9~~5~~7. - Second and third degree criminal trespass.

(a) A person commits the crime of second degree criminal trespass if he or she unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced, or if he or she knowingly and unlawfully enters or remains in or upon the premises of a hotel, motel, condominium or apartment building. ~~Second degree criminal trespass is a misdemeanor.~~

(b) A person commits the crime of third degree criminal trespass if he or she unlawfully enters or remains in or upon premises.

~~Sec. 10-98. - Third degree criminal trespass.~~

~~A person commits the crime of third degree criminal trespass if he or she unlawfully enters or remains in or upon premises. Third degree criminal trespass is a Class 1 petty offense, but it is a misdemeanor if the premises have been classified by the County Assessor for the county in which the land is situated as agricultural land pursuant to Section 39-1-102(1.6), C.R.S.~~

Sec. 10-9~~6~~9. - Second degree criminal tampering.

Except as provided in Section 10-97~~100~~, a person commits the crime of second degree criminal tampering if he or she 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. ~~Second degree criminal tampering is a misdemeanor.~~

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Sec. 10-~~97~~100. - 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.

Sec. 10-~~98~~101. - Damaging ~~property of another~~ private property.

- (a) No person shall knowingly damage the real or personal property of another.
- (b) This Section does not apply where the damage in the course of a single criminal episode is ~~four hundred one thousand~~ dollars (\$~~400~~1,000.00) or more, is effected by means of fire or explosives or is otherwise feloniously caused.

Sec. 10-~~99~~102. - Damaging public property.

No person shall damage, move, remove, destroy or injure in any manner whatsoever or cause to be damaged, moved, removed, destroyed or injured any grass, tree, shrub, plant, flower, railing, bridge, culvert, sign, building or any other property whatsoever belonging to the Town or under the possession and control of the Town, unless done pursuant to a written permit or contract from the Town.

Sec. 10-10~~0~~3. - Defacing posted notice.

~~Any person who~~ It is unlawful for any person to knowingly mars, destroys or removes any posted notice authorized by law. ~~commits a Class 1 petty offense.~~

Sec. 10-10~~1~~4. - Littering of public and private property.

- (a) Any person who deposits, throws or leaves any litter on any public or private property or in any waters commits littering.
- (b) The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.
- (c) It ~~shall be~~ is an affirmative defense that:
 - (1) Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property;

(2) The litter is placed in a receptacle or container installed on such property for that purpose; or

(3) Such person is the owner or tenant in lawful possession of such property, or he or she has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.

(d) The phrase *public or private property* as used in this Section includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties or timberlands.

(e) It is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person gather and remove from specified public property or lawful possession thereof any litter found thereon, or upon the condition that the convicted person pick up litter at the time prescribed by and a place within the jurisdiction of the court for not less than eight (8) hours upon a second or subsequent conviction.

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

Sec. 10-10~~25~~. - Criminal use of a noxious substance.

(a) Any person who deposits on the land or in the building or vehicle of another, without his or her consent, any stink bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle, ~~commits a misdemeanor.~~

(b) It ~~shall be~~is an affirmative defense that a peace officer in the performance of his or her duties reasonably used a noxious substance.

Secs. 10-10~~30~~—10-120. - Reserved.

ARTICLE VI - Offenses Involving Fraud

~~Sec. 10-121. - Unlawfully using slugs.~~

~~(a) — A person commits unlawfully using slugs if:~~

~~(1) — With intent to defraud the vendor of property or a service sold by means of a coin machine, he or she knowingly inserts, deposits or uses a slug in such machine or causes the machine to be operated by any other unauthorized means; or~~

~~(2) — He or she makes, possesses or disposes of a slug or slugs with intent to enable a person to use it or them fraudulently in a coin machine.~~

~~(b) — Slug means any object or article which, by virtue of its size, shape or any other quality, is capable of being inserted, deposited or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill or token, and of thereby enabling a person to obtain without valid consideration the property or service sold through the machine.~~

~~(c) — Unlawfully using slugs is a misdemeanor.~~

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Sec. 10-1212. - Fraud by check.

(a) A person violates this Section if he or she issues or passes a check or similar sight order for the payment of money in an amount less than ~~four hundred one thousand~~ dollars (\$~~4001,000.00~~), knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order, as well as all other checks or orders outstanding at the time of issuance.

(b) This Section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence. 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 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 issuance.

(c) *Insufficient funds* means not having a sufficient balance in account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment and it remains unpaid thirty (30) days after such presentment.

(d) A bank shall not be civilly or criminally liable for releasing information relating to the issuer's account to a deputy marshal investigating or prosecuting a charge under this Section.

Secs. 10-1213—10-140. - Reserved.

ARTICLE VII - Offenses Relating to Drugs**Sec. 10-141. - Definitions.**

As used in this Article, the following words shall have the meanings ascribed hereafter:

(1) *Controlled substance* means a drug or other substance or an immediate precursor which is declared to be a controlled substance under ~~this Article~~C.R.S. § 18-18-102, and ~~also~~ includes marijuana, marijuana concentrate and cocaine.

(2) *Drug paraphernalia* means all equipment, products, and material of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the statutes of the State of Colorado. ~~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 the laws of this State;~~
- ~~b. To enhance the effect on the human body of any controlled substance under circumstances in violation of the laws of this State;~~
- ~~c. To conceal any quantity of any controlled substance under circumstances in violation of the laws of this State; or~~

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d. ~~To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of the laws of this State.~~

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(3) ~~*Marijuana* means all parts of the plant of the genus cannabis 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, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.~~

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(4) ~~*Marijuana accessories* means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or ingesting, inhaling, or otherwise introducing marijuana to the human body.~~

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(5) ~~*Observable* means observable by a person with or without the aid of special devices.~~

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(6) ~~*Openly and publicly* means activity that is observable by the public or a substantial number of the public, which occurs in a place to which the public or a substantial number of the public has access without restriction, including but not limited to streets and highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of buildings and other facilities. "Openly and publicly" does not include any activity occurring on private residential property by the occupant or his or her guests.~~

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(7) ~~*Public place* means a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, streets, sidewalks, transportation facilities, schools, places of amusement, parks, vehicles on public streets or highways, playgrounds and the common areas of public and private buildings and facilities. "Public place" also includes property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or property owned, operated, leased or maintained by the Town.~~

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Sec. 10-142. - 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 the laws of this State.

(b) ~~The provisions of this section shall not apply to the possession of marijuana accessories by a person that is twenty-one years of age or older, or by a person with a valid medical marijuana registration card.~~

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~~(c) Any person who commits possession of drug paraphernalia commits a Class 2 petty offense.~~

Sec. 10-143. - Marijuana—Display, possession, consumption, transferring, distribution, and cultivation.~~Possession of marijuana.~~

~~(a) — It is unlawful for any person under the age of twenty-one to knowingly possess, use, display, purchase, or transport marijuana in any amount; except as allowed by a valid medical marijuana registration card. Any person who possesses not more than one (1) ounce of marijuana commits a Class 2 petty offense.~~

(a) It is unlawful for any person under the age of twenty-one to knowingly possess, use, display, purchase, or transport marijuana in any amount; except as allowed by a valid medical marijuana registration card.

(b) It is unlawful for any person twenty-one years of age or older to knowingly:

(1) Possess, use, display, purchase, or transport more than one ounce of marijuana, except as allowed by a valid medical marijuana registration card;

(2) Consume marijuana openly and publicly, or in a manner that endangers others;

(3) Transfer, dispense, or sell marijuana, provided, however, that the transfer of one ounce or less of marijuana without remuneration to a person who is twenty-one years of age or older shall not be unlawful, and provided further, that the lawful transfer, dispensing or selling of marijuana by;

(4) Possess, grow, process, or transport more than six marijuana plants or more than three mature, flowering marijuana plants, except as permitted for a licensed retail or medical marijuana establishment; or

(5) Display marijuana on Town property.

(c) Notwithstanding the provisions of this section, it shall not be unlawful for a person twenty-one years of age or older to possess, grow, process, or transport no more than six marijuana plants, with three or fewer being mature, flowering plants, provided that the growing takes place in an enclosed, locked space, is not conducted openly or publicly, and the marijuana produced by the plants on the premises is not made available for sale.

Sec. 10-144. — False identification.

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(a) It is unlawful for any person under the age of twenty-one to present a false, fictitious, or counterfeit identification when purchasing or attempting to purchase marijuana.

(b) It is unlawful for any person twenty-one years of age or older to present a false, fictitious, or counterfeit identification when purchasing or attempting to purchase marijuana.

Sec. 10-145. — Procuring marijuana for or by a minor; sales to a minor.

(a) It is unlawful for any person to purchase for consumption or possession by, to otherwise provide for consumption or possession by, or to sell to, any person under the age of twenty-one years, marijuana.

(b) It is unlawful for any person under the age of twenty-one to possess, attempt to purchase, purchase or obtain marijuana, either directly or indirectly, or through an intermediary, by misrepresentation of age or by any other means.

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Secs. 10-14~~94~~—10-160. - Reserved.

ARTICLE VIII - Offenses Relating to Alcoholic Beverages

Sec. 10-161. - Definitions.

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

Definitions in this code follow definitions in Colorado liquor code, except where otherwise indicated.

(1) *Alcoholic beverages* or *alcoholic liquors* means malt beverages, vinous or spirituous liquors.

(2) *Ethyl alcohol*, also commonly called *ethanol*, *drinking alcohol* or simply *alcohol*, is the principal type of alcohol found in alcoholic beverages, produced by the fermentation of sugars by yeasts.

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(2) *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.

(3) *Malt liquors* 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.

(4) *Spirituous liquors* 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.

(5) *Vinous liquors* 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. 10-162. - Sales near schools.

It ~~shall be~~ unlawful for any person to sell, offer or expose for sale or gift, beer or any vinous, spirituous or malt liquors within a distance of 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. This prohibition shall not, however, affect the rights of any person now 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 this time authorizing such business within the restricted area hereby established.

~~Sec. 10-163. - Regulations concerning fermented malt beverages.~~

~~(a) — It is unlawful to sell fermented malt beverage to any person under the age of twenty-one (21) years, or to any person between the hours of midnight and 5:00 a.m., or for any person under twenty-one (21) years to purchase or possess the same. It is unlawful to permit any fermented malt beverages to be sold or dispensed by a person under the age of twenty-one (21) years or to permit any such person to participate in the sale or dispensing thereof.~~

~~(b) — It is unlawful for any person under the age of twenty-one (21) years to represent himself or herself to be of the age of twenty-one (21) years or more for the purpose of purchasing within the Town any fermented malt beverage.~~

~~(c) — It is unlawful for any person over the age of twenty-one (21) years to purchase or attempt to purchase fermented malt beverage for a person under the age of twenty-one (21) years.~~

~~(d) — It is unlawful to fail to display at all times in a prominent place on premises licensed for retail sale of fermented malt beverages a printed card with a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half (1/2) inch in height, which shall read as follows:~~

~~WARNING~~

~~IT IS ILLEGAL TO SELL 3.2 BEER TO ANY PERSON UNDER TWENTY ONE YEARS OF AGE, AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY ONE YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.~~

~~IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.~~

~~IT IS ILLEGAL IF YOU ARE TWENTY ONE YEARS OF AGE OR OVER FOR YOU TO PURCHASE 3.2 BEER FOR A PERSON UNDER TWENTY ONE YEARS OF AGE.~~

~~FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.~~

~~(e) — It shall be unlawful for any minor under twenty-one (21) years of age to have in his or her possession fermented malt beverages in public places, including but not limited to, public streets, alleys, roads or highways.~~

Sec. 10-1634. - Regulations concerning alcoholic beverages.

(a) It ~~shall be~~ is unlawful for any person to sell alcoholic beverages to any person under the age of twenty-one (21) years or to permit any alcoholic beverages to be sold or dispensed by a person under twenty-one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof.

(b) It ~~shall be~~ unlawful for any minor under twenty-one (21) years of age to ~~have in his or her possession alcoholic beverages in public places, including but not limited to, public streets, alleys, roads or highways, possess or consume ethyl alcohol in the Town.~~

(c) It ~~shall be~~ unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any article which the person under the age of twenty-one (21) years of age is forbidden by law to purchase or possess.

(d) ~~It is unlawful to serve, give away, dispose of, exchange, deliver or permit the sale, serving, giving or procuring of any alcoholic beverage to or for any person under the age of 21 years, a visibly intoxicated person or a known habitual drunkard.~~

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~~Sec. 10-165. - Minors prohibited in taverns; exceptions; signs to be posted.~~

(a) ~~It shall be unlawful for any person who is the proprietor or keeper of a tavern to employ or permit any minor under the age of twenty-one (21) years to frequent or be in or about such place unless accompanied by such minor's parent or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same or to engage or participate in any game of billiards or any game, bet or wager with any cards or any other gambling device or any other game whatsoever in or about such place.~~

(b) ~~It shall be the duty of any person who is the proprietor or keeper of a tavern to post conspicuously in his or her place of business the following sign:~~

~~Minors under the age of twenty-one (21) years not allowed here unless accompanied by parents.~~

~~Failure to so post sign shall constitute an unlawful act.~~

Sec. 10-16~~46~~. - Fights at bars or disturbances.

No licensee shall permit any disturbance, undue noise or unlawful or disorderly act or conduct by any person or group of persons upon the premises.

Sec. 10-16~~57~~. - Possession and consumption of alcoholic beverages in public prohibited.

(a) No person within the Town limits shall possess an opened container of or consume any malt, vinous or spirituous liquor or fermented malt beverage in public, except upon premises licensed for consumption of the liquor or beverage involved.

(b) For purposes of this Section, *opened container* means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage, ~~or any container other than the sealed container prepared by a retailer for alcohol takeout or delivery in conjunction with state law.~~ If an original container has been unsealed, undone or opened in any manner, it is an opened container for purposes of this Section.

(c) For purposes of this Section, *in public* means in or upon any public highway, street, alley, walk, parking lot, building, park or other public property or place, whether in a vehicle or not.

Secs. 10-16~~58~~—10-190. - Reserved.

ARTICLE IX - Offenses Against Public Peace, Order and Decency

Commented [KJV2]: Could be hard to enforce other than through licensing

Commented [K3]: THERE NEEDS TO BE SOME MENTION OF "PICNIC LICENSES" FOR SPECIAL EVENTS SUCH AS WHEN THE MOOSE FENCES OFF PART OF THE PARKING LOT FOR LARGE EVENTS. ADDITIONALLY, COVID CONSIDERATIONS ALLOWED FOR THE SALE OF TO GO BEVERAGES. MIXED DRINKS WERE INCLUDED AND CURRENT LEGISLATION SEEMS TO BE LEANING TOWARD KEEPING THOSE ALLOWANCES IN PLACE. SOME MENTION SHOULD BE INCLUDED TO GIVE DIRECTION ON WHAT IS ACCEPTABLE TO MEET THE CLOSED CONTAINER REQUIREMENT. – from Marshal

This will need to go in business licensing.

44-5-101 perm license change, temporary rules with covid, special events,

Sec. 10-191. - Indecent exposure.

(a) A person commits indecent exposure if he or she knowingly exposes 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.

~~(b) — Indecent exposure is a misdemeanor.~~

Sec. 10-192. - Storage of flammable liquids.

It ~~shall be~~ unlawful to store or cause to be stored or parked 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. 10-193. - Abandoned containers, wells or cisterns.

It ~~shall be~~ unlawful for any person to leave or permit to remain outside of any dwellings, buildings or other structures 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 or other container 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. 10-194. - Explosives.

~~(a)~~ It ~~shall be~~ unlawful for any person to store within the Town limits any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high five hundred (500) caps or other devices used for the detonation of such high explosives; other than gunpowder in conjunction with the lawful use of firearms and associated ammunition.

Sec. 10-195. — False alarms.

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

Sec. 10-196. - Assault.

(a) A person commits the crime of assault if he or she causes bodily injury to another person. The causing of pain upon another person shall be prima facie evidence of bodily injury.

(b) It ~~shall be~~ unlawful to assault another person.

Sec. 10-197. - Harassment; stalking.

(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;

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(3) Follows a person in or about a public place or, without the consent of the owner thereof, onto private property or into a private residence;

(4) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium 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, computer system, or other interactive electronic medium that is obscene; ~~Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene;~~

(5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;

(6) 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 and the abuse or threat tends to incite an immediate breach of the peace; or

(7) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

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

~~(c) Harassment is a misdemeanor.~~

~~(c)~~ Any act prohibited by Subparagraph (4) of Subsection (a) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

Sec. 10-198. - Disorderly conduct.

(a) 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) Abuses or threatens a person in a public place in an obviously offensive manner;

(3) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;

(4) Fights with another in a public place except in an amateur or professional contest of athletic skill;

(5) Not being a peace officer, displays a deadly weapon in a public place except when engaged in lawful target practice or hunting; or

(6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

(b) It is an affirmative defense to prosecution under Subsection (a)(2) of this Section that the actor had significant provocation for his or her abusive or threatening conduct.

~~(c) An offense under Subsection (a)(1) to (a)(3) of this Section is a Class 1 petty offense; and an offense under Subsections (a)(4) to (a)(6) is a misdemeanor.~~

Sec. 10-199. - Disrupting lawful assembly.

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

~~(b) Disrupting lawful assembly is a misdemeanor.~~

~~Sec. 10-200. - Disturbing religious worship.~~

~~It shall be unlawful for any person to disquiet or disturb any congregation or assembly for religious worship by making a noise, by rude or indecent behavior or by profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.~~

Sec. 10-201. - 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;

(2) Loiters for the purpose of engaging or soliciting another person to engage in prostitution.

(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 10-141(1) of this Code.

(c) It ~~shall be~~ 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 grievance, either in the course of labor disputes or otherwise.

~~Sec. 10-202. - Desecration of venerated objects.~~

~~(a) — A person commits a misdemeanor if he or she knowingly desecrates any public monument, structure or place of worship or burial or desecrates in a public place any other object of veneration by the public or a substantial segment thereof.~~

~~(b) — The term *desecrate* means defacing, damaging, polluting or otherwise physically mistreating in a way that the defendant knows will outrage the sensibilities of persons likely to observe or discover his or her action or its result.~~

Sec. 10-20~~13~~. - Hindering transportation.

~~A person commits a misdemeanor if he or she~~It is unlawful for any person to knowingly and without lawful authority forcibly stops and hinders the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association or corporation.

~~Sec. 10-204. — Throwing of stones or missiles.~~

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

~~Sec. 10-205. — Publications inciting hatred and violence.~~

~~It shall be unlawful for any person to publish, distribute or cause to be published or distributed any circular, pamphlet, card or dodger, whether anonymous or not, which incites, counsels, promotes or advocates hatred, violence or hostility against any person or group of persons residing in the Town, by reason of race, color, gender identity, sexual orientation, religion or manner of worship.~~

Sec. 10-20~~26~~. - Disturbance, breach of peace.

It is unlawful for any person in the Town to make, countenance or assist in the making of undue or unnecessary noise, riot, disturbance or breach of peace on public or private property so as to disturb or cause to be disturbed the lawful peace and quiet of another person or persons.

Sec. 10-20~~37~~. - Public urination.

No person shall urinate or defecate when in any park within the Town limits, or on any property zoned for residential uses without the express permission of the owner, or within any portion of the Town zoned for business, industrial or public uses, unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the wastes in a sanitary manner and that is enclosed from the view of the general public.

Secs. 10-20~~19~~—10-230. - Reserved.

ARTICLE X - Offenses Relating to Weapons

Sec. 10-231. - Unlawfully carrying a concealed weapon.

(a) ~~A person commits a misdemeanor if he or she~~It is unlawful for a person to knowingly, ~~and unlawfully;~~

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- (1) Carries a knife with a blade exceeding 3.5" concealed on or about his or her person; or
 - (2) Carries a firearm concealed on or about his or her person.
- (b) It ~~shall be~~is an affirmative defense that the defendant was:
- (1) A person in his or her own dwelling or place of business 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 his, her or another's property, while traveling;
 - (3) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to law; or
 - (4) A peace officer.

Sec. 10-232. - Prohibited use of weapons.

~~A person commits a misdemeanor if: It is unlawful for any person to:~~

- (1) ~~He or she~~ knowingly and unlawfully aims a firearm at another person;
- (2) Recklessly or with criminal negligence, ~~he or she~~ discharges a firearm or shoots a bow and arrow;
- (3) ~~He or she~~ knowingly sets a loaded gun, trap or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or
- (4) ~~He or she has in his or her~~Have in their possession a firearm while ~~he or she is~~ under the influence of intoxicating liquor or of a controlled substance, as defined in Section 10-141(1) of this Code. Possession of a permit issued under Section 18-12-105.1, C.R.S., is no defense to a violation of this Section.

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Secs. 10-233—10-250. - Reserved

ARTICLE XI - Offenses Relating to Minors

Sec. 10-251. - Juvenile loitering during nighttime hours.

- (a) It ~~shall be~~is unlawful for any person under the age of eighteen (18) years to loiter or to aimlessly drive or ride about, on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement or eating place, whether public or private, without the consent or permission of the owner or occupant thereof, during the hours ending at 6:00 a.m. and beginning at 12:00 a.m. on Saturday and Sunday mornings and beginning at 10:00 p.m. on Sunday night through Thursday night. No violation of this Section will have occurred if the person under the age of eighteen (18) years is accompanied by a parent, guardian or other adult person over the age of twenty-one (21) years who is authorized by a parent or guardian of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.
- (b) Each violation of the provisions of this Section shall constitute a separate offense.

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Sec. 10-252. - Juvenile loitering during nighttime hours; parental responsibility.

(a) It ~~shall be~~ unlawful for the parent, guardian or other adult person having the care and custody of a juvenile under the age of eighteen (18) years to knowingly permit or allow such juvenile to loiter or to aimlessly drive or ride about at the places and within the time prohibited by Section 10-251. The term *knowingly* includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent or guardian's custody. It shall be no defense that a parent, guardian or other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile.

(b) Each violation of the provisions of this Section shall constitute a separate offense.

Sec. 10-253. - Parent or guardian aiding, abetting.

It ~~shall be~~ unlawful for any person to knowingly permit any minor child or children to aid, abet or encourage in or to approve, encourage, allow, permit, tolerate or consent to the violation by any minor child or children, of any provision of this Article or any ordinances of the Town. It is 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. 10-254. - Encouraging delinquency.~~

~~It shall be 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. 10-25~~45~~5. - Services of others.

It ~~shall be~~ 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 minor is forbidden by law to purchase.

Sec. 10-25~~56~~6. - Loitering and other acts in or about schools.

It ~~shall be~~ unlawful for any person to loiter, idle, wander, stroll or play in, about or on any public, private or parochial school, college or seminary grounds or buildings, either on foot or in or on any vehicle, without having some lawful business therein or thereabout or in connection with such school or the 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.

Secs. 10-25~~69~~—10-270. - Reserved.

ARTICLE XII - Noise

~~Sec. 10-271. - Noise.~~

~~(a) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the Town is a condition which has existed, and the extent and volume of such noises continue to be of concern.~~

~~(b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town.~~

~~(c) The necessity in the public interest for the provisions and prohibitions contained and enacted in this Chapter is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained in this Chapter and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town.~~

Sec. 10-27~~12~~. - Prohibited noise.

(a) The following noises are prohibited:

- (1) The sounding of any horn or signaling device on any automotive, motorcycle or other vehicle on any street or public or private place for a prolonged time, except as a danger warning.
- (2) The operating or permitting to be played or use of any machine or device for the producing or reproducing of sound in such a manner as to exceed the limits in Section 10-272(b), below.
- (3) Yelling, shouting, hooting, whistling or singing, particularly between the hours of 10:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (4) The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (5) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (6) Construction or repairing of buildings. The erection (including excavation), demolition, alteration or repair of any building other than between 7:00 a.m. and 7:00 p.m. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Town Clerk, which permit may be granted for a period not to exceed

three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues.

- (b) It ~~shall be~~ unlawful for any person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection, preservation or improvement of property or of the health, safety, life or limb of some person. In applying the provisions of this Section, the following noise levels shall create a presumption that the noise unreasonably disturbs the peace and quiet of persons in the vicinity thereof:

Zone	7:00 a.m. to 7:00 p.m.	7:00 p.m. to next 7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Commercial	60 dB(A)	55 dB(A)

The noise shall be measured on the A weighing scale on a sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

For purposes of this Section, measurements with sound level meters shall be made when wind velocity is not more than five (5) miles per hour, or twenty-five (25) miles per hour with a windscreen. Measurements shall be made at a distance of at least twenty-five (25) feet from a noise source located within the public right-of-way, and if the noise source is located on private property or property other than the public right-of-way, at the property line of the property on which the noise source is located.

- (c) The following are exemptions to the noises prohibited by Subsection (b):

- (1) Noises of safety signals, burglar, fire and flood warning devices, and orders given through an electronic voice amplifier by a Law Enforcement Officer or by a member of a Fire Department.
- (2) Noises resulting from any authorized emergency vehicle when responding to an emergency call.
- (3) Noises resulting from work authorized by the Town.
- (4) The electronic amplification of sound emanating from an event authorized by the Town.
- (5) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the Town in accordance with Town policy.
- (6) Any noise resulting from activities necessary for the compliance with weeds and brush regulations of Chapter 7, Article III of this Code, or to mitigate fire or other dangers to the property, including but not limited to the use of chainsaws, weed whackers and lawnmowers, so long as said activities occur between the hours of 7:00 a.m. and 7:00 p.m.

Sec. 10-27~~23~~. - Waiver.

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The Board of Trustees will consider requests for waiver of any portion of Sections 10-271 and 10-272 for an event for which the organizers wish to use electronically amplified sound after the hours prescribed within said sections. After hearing all who wish to speak for or against the request, the Board of Trustees shall determine whether or not the granting of the waiver will unduly disturb the neighborhood in which the event is to take place.

Sec. 10-274. - Animals.

~~It shall be 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 subsection shall not apply to hospitals conducted for the treatment of small animals which are approved by the Health Department, or to premises occupied or used by the Town pound.~~

Sec. 10-27~~35~~. - Sirens, whistles, gongs and red lights.

It ~~shall be~~is unlawful for any person to carry or use upon a vehicle, other than Marshal's 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 Marshal's and Fire Departments.

Sec. 10-27~~46~~. - Mufflers.

It ~~shall be~~is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it ~~shall be~~is unlawful for any person operating any motor vehicle to use a cut-out, bypass or similar muffler elimination appliance.

Secs. 10-27~~52~~—10-290. - Reserved.

ARTICLE XIII - Fireworks

Sec. 10-291. - Definitions.

Fireworks means and includes any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including without limitation the following articles and devices commonly known and used as fireworks: toy cannons, toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles and Day-Globombs. The term *fireworks* shall not include fountains, pinwheels, toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided above.

Sec. 10-292. - License required.

~~No person shall sell at retail any type of fireworks, including fountains, pinwheels, sparklers or torches, until he or she has obtained a license from the Board of Trustees.~~

Sec. 10-29~~24~~. - Fireworks prohibited.

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The use of fireworks, firecrackers, torpedoes, Roman candles, skyrockets and other pyrotechnic displays are prohibited within the corporate limits of the Town; provided however, that the Town may from time to time issue special permits allowing public displays sponsored by the Town.

Sec. 10-293. - Requirements.

A license to sell fireworks in the Town shall issue only for such sales as are permitted under this Article and state statutes and only when the Board of Trustees has determined that the vendor meets the following requirements:

- (1) That the applicant or, if a corporation, its officers and directors, are of a good moral character and reputation; or
- (2) That the applicant has no plan, intent or scheme to make sales which are prohibited by this Article or the state statutes.

Sec. 10-294. - Duration and fees.

Such license shall be valid for a period of twelve (12) months from the date of issuance, and a fee as established by resolution of the Board of Trustees shall be payable for the issuance or renewal of such license.

Sec. 10-29~~3~~5. - Unlawful to sell or use.

Except as otherwise provided in this Article, it ~~shall be~~is unlawful for any person to offer for sale, expose for sale, sell or have in his or her possession with intent to offer for sale, sell or use any fireworks within the Town.

Sec. 10-29~~4~~6. - Permits.

The Board of Trustees shall have the power to grant permits within the Town for supervised public displays of fireworks by the Town, amusement parks and other organizations and groups and to adopt reasonable rules and regulations for the granting of such permits. Application for a permit shall be made in writing at least fifteen (15) days in advance of the date of display. Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved after investigation by the Marshal's Department or an authorized agent thereof. No permit shall be transferable or assignable.

Sec. 10-29~~5~~7. - Bond.

A satisfactory bond shall be required of each permittee in the sum of not less than five hundred dollars (\$500.00), conditioned for the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from the acts of the permittee, his or her agents, employees or subcontractors. The aggregate liability of the surety on such bond for all damages shall in no event exceed the sum of such bond.

Sec. 10-29~~6~~8. - Disposal of unfired fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the Fire Department in a method which is safe for the discharge of that or those particular types of fireworks.

Sec. 10-297~~9~~. - Seizure of fireworks.

The Marshal's Department shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Article.

Sec. 10-~~298~~~~300~~. - Construction.

This Article shall not be construed to prohibit:

- (1) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell, fireworks to any municipality, fair, association, amusement park or the governing body of any county or district fair organized under the laws of the State;
- (2) Any person from using or exploding fireworks in accordance with the provisions in this Article or as a part of supervised public display at any county or district fair organized under the laws of the State;
- (3) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell, any fireworks which are to be sold and are shipped directly out of State;
- (4) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell or using or exploding any article, device or substance for a purpose other than display, exhibition, noise, amusement or entertainment;
- (5) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell or using or exploding blank cartridges for a show or theater or for signal or ceremonial purposes in organized athletics or sports; or
- (6) Any person from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale or sell or using or firing toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulation for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided in this Article.

~~Secs. 10-299-301—10-320. - Reserved.~~

ARTICLE XIV - ~~House Cars~~Recreational Vehicles, Trailers and Tents

Sec. 10-321. - Definitions.

Whenever in this Article the words hereinafter defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

Boat trailer shall mean a portable structure used for the transport and out-of-water storage of any boat or watercraft.

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Cargo trailer shall include, but not be limited to, the transport or storage of merchandise, building materials, commerce items, vehicles, tools, refrigeration or manufacturing process, whether of an enclosed design, flatbed, stake bed or tarpaulin covered.

Horse trailer or *stock trailer* shall mean any portable structure designed and intended for the transport and temporary shelter of any animal to include, but not inclusive to, horse, cow, llama, pig, goat, sheep or similar form of domesticated or wild animal.

~~*House car* shall be defined as a portable structure designed for or capable of human habitation, mounted on wheels and being either self-propelled or drawn by a stock motor vehicle or designed to be loaded onto or affixed to the bed or chassis of a truck or portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material which folds for towing by another vehicle and unfolds at a campsite to provide temporary living quarters for recreational camping or travel use. The term *house car* shall include units designated as campers, camper buses, motor homes, tent trailers, travel trailers or any other portable structure designed for or used for human habitation.~~

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~~*House trailer* as used herein shall mean any structure intended for or capable of human habitation and capable of being moved from place to place either by its own power or power supplied by some vehicle attached or to be attached thereto, and regardless of whether wheels have been removed therefrom and the same set upon a permanent foundation.~~

Recreational vehicle means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle is generally not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living or sleeping quarters for recreational, camping or travel use. The term *recreational vehicle* shall include units designated as campers, camper buses, motor homes, tent trailers, travel trailers or any other portable structure designed for or used for human habitation.

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Tent shall be defined as a collapsible, temporary and portable structure of canvas or other fabric, supported internally or externally by wood, metal poles or framework, wire or cable.

Sec. 10-322. - Placement on public property.

(a) No person shall permit any ~~house car~~recreational vehicle or trailer to be parked or stand upon any public street, alley, park or way of the Town for longer than four (4) hours during any twenty-four-hour period. However, the Board of Trustees may, by resolution, designate locations within the Town on property owned by the Town where ~~house cars~~recreational vehicles or trailers may be maintained and which ~~house cars~~recreational vehicles or trailers may be used for living purposes, provided that the same shall pose no threat to the public health and be permitted by the County Health Departments.

(b) No ~~house car~~recreational vehicle or trailer shall be permitted to be parked upon any street within the corporate limits of the Town so as to extend outward into the street a distance in excess of ten (10) feet measured at right angles with the curb or to project into or obstruct any traffic lane.

(c) No person shall cause or permit any tent to be erected upon any public street, alley, park or way of the Town.

Sec. 10-323. - Placement on private property.

(a) No person shall maintain or permit to be maintained any ~~house-car~~recreational vehicle upon any private property within the Town when the same is used for living purposes.

(b) No person shall cause or permit any tent to be erected and/or maintained on private property when the same is used for living purposes for a period exceeding three (3) days.

Sec. 10-324. - Inhabiting ~~house trailers~~recreational vehicles.

(a) The Board of Trustees hereby finds and declares the keeping or maintenance of house trailers on private property for the purpose of actual abode therein within the corporate limits of the Town to be a public nuisance.

(b) Hereafter, it ~~shall be~~is unlawful for any person to keep, maintain or permit to be kept or maintained on property owned or leased by such person, within the corporate limits of the Town, any house trailer used for the actual purpose of human habitation; provided, however, that it ~~shall be~~is lawful for any and all persons to maintain and store privately owned house trailers or other mobile abodes, including but not limited to pickup campers, camping trailers, cargo trailers, horse and stock trailers and boat trailers, provided that ~~said named trailers do not exceed twenty-two (22) feet in actual length, and further provided that~~ said mobile abodes, house trailers, pickup campers and camping trailers so stored shall not be used as supplemental abodes, extra sleeping rooms or living quarters in any respect while the same are stored on private property within the Town.

ARTICLE XV - ~~R~~Restriction of all Open Fires and Open Burning~~1~~

Sec. 10-325. - Purpose.

The purpose of this Ordinance is to preserve and protect the public health, safety, and welfare of the citizens of the Town of Green Mountain Falls, Colorado, by restricting open fires and open burning in the Town of Green Mountain Falls in order to prevent forest fires given the high danger of such fires as a result of atmospheric conditions, including lack of moisture, and other local conditions.

Sec. 10-326. - Interpretation.

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to preserve and protect the public health, safety, and welfare of the citizens of the Town of Green Mountain Falls, Colorado, by restricting open fires and open burning in order to prevent forest fires given the high danger of such fires in the area.

Sec. 10-327. - Definitions.

(a) *Open fire or open burning.* For purposes of this Ordinance, open fires or open burning shall be defined as any outdoor fire, including, but not limited to, campfires, warming fires, cooking fires, charcoal grill fires, fires in outdoor wood burning appliances, the use of explosives, outdoor welding or operating an acetylene or other torch with open flame other than in an area cleared of all flammable materials, fireworks of all kinds or brands, and the prescribed burning of fence lines or rows, fields, farmlands, rangelands, wildlands, trash, and debris.

(b) *Fire restriction evaluation guidelines.* That set of evaluation criteria currently in use by local Federal, State and local fire suppression/management agencies for monitoring fuel moistures, fire

danger class, current impacts on suppression resources, current fire cause types, fire weather forecasts, and other indicators of predicted fire danger.

Sec. 10-328. - Stage I restrictions.

Prohibits the following activities:

- (1) Open burning, excepting fires and campfires within permanently constructed fire grates in developed campgrounds and picnic grounds, charcoal grills and permanent outdoor fireplaces at private residences in areas cleared of all flammable materials.
- (2) The sale or use of fireworks; as defined in Section 10-29~~2~~⁴.
- ~~(3) Outdoor smoking except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable materials.~~
- ~~(3)~~ (4) Launching of model rockets.
- ~~(4)~~ (5) Portable wood burning firepits or fire rings.
- ~~(5)~~ (6) Chimineas.
- ~~(6)~~ (7) Outdoor charcoal grills and permanent outdoor fireplace constructed with a spark arrestor on the chimney shall be allowed during Stage I restrictions, provided they are at private residences and in an area cleared of all flammable materials including dry vegetation.
- (7) The lighting of emergency flares or roadside fuses.

Sec. 10-329. - Stage II restrictions.

Prohibits the following activities:

- (1) All open burning as defined in Stage I and all prohibited activities listed in Section 10-328.-
- (2) Outdoor smoking except within an enclosed vehicle or building.
- (3) Outdoor grilling with charcoal.

Sec. 10-330. - Unlawful acts.

During Stage I or Stage II restrictions, it ~~shall be~~^{is} unlawful for any person to build, maintain, attend or use an open fire, conduct an open burn, conduct sales of fireworks, or engage in outdoor smoking other than as explicitly allowed herein, in the Town of Green Mountain Falls including public, private, state, and applicable federal lands.

Sec. 10-331. - Requirements when and where outdoor fires are permitted.

- (1) The outdoor fires must be attended at all times.
- (2) Attendees of an outdoor fire must have a suitable extinguisher nearby such as: a functioning garden hose, an extinguisher or dry chemical extinguisher.
- (3) An outdoor fire must be at least twenty (20) feet from structures, including all buildings.

Sec. 10-332. - Exceptions/exemptions.

- (a) The following shall not be in violation:
- Commercial or community fireworks displays properly permitted.
 - Fires contained within liquid-fueled or gas-fueled stoves.
 - Indoor fireplaces and wood-burning stoves installed and maintained in compliance with all applicable codes and ordinances.
 - Chainsaws with appropriate spark arrestors.
 - Outdoor charcoal grills and permanent outdoor fireplace constructed with a spark arrestor on the chimney shall be allowed during Stage I restrictions, provided they are at private residences and in an area cleared of all flammable materials including dry vegetation.
- (b) The burning of irrigation ditches is prohibited by this Ordinance.
- (c) Any Federal, State, or local officer, or member of a rescue or firefighting force organized, employed or contracted by a Federal, State or local firefighting, military, or police protection service in the performance of an official duty.
- (d) Any further exemptions to either the meaning of terms or the enforcement of this Ordinance shall be granted only by the Fire Chief, and only if the proposed action is deemed to be safe and mitigable in the Fire Chief's sole discretion based on best fire safety practices.

Sec. 10-333. - Implementation of stages.

The Fire Chief or his or her designee may monitor fire danger conditions and coordinate with Federal, State and local fire agencies to determine the appropriate stage of restrictions. When the established Fire Restriction Evaluation Guidelines indicate that enforcement of this Ordinance under Stage I restrictions should be reinstated, or that restrictions should be upgraded to Stage II restrictions, the Town of Green Mountain Falls' Public Information Officer or his or her designee shall coordinate with the Fire Chief and provide notification to the public through a general press release to local television, radios and print media, as well as posting at the Green Mountain Falls Town Hall. Likewise, when conditions indicate a reduction in restrictions from Stage II to Stage I, or the suspension of enforcement, the same notification to the public shall occur.

Sec. 10-334. - Enforcement agencies/prosecution.

This Ordinance shall be enforced by the Green Mountain Falls Marshal, or his or her deputies, including thereby the administering agencies of the State and Federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Ordinance. This authority shall include, but not be limited to, the right to issue a penalty assessment notice and the right to take such person or persons into temporary custody. Any further exception to the enforcement ability of this Ordinance by the administering agency shall be granted only by the administering agency, and only if the proposed action is deemed by the Fire Chief or the State or Federal administering agency to be safe or mitigable.

Sec. 10-335. - Penalties.

It is unlawful for any person to violate any of the provisions adopted in this Article.
~~Violation of this Ordinance shall be a misdemeanor under Green Mountain Falls Municipal Code.~~
The penalties for violation of this adopted Code are as set forth in in Section 1-42 of this Code,
~~resolution or subsequent modifications thereof.~~

Secs. 10-336—10-340. - Reserved.

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Memorandum of Understanding

The Kirkpatrick Family Fund (KFF) has approved a grant for the Town of Green Mountain Falls for the purchase, delivery and installation of a Keith Haring Fitness Court that will be available to the public and located at Pool Park. At the request of the Kirkpatrick Family Fund roles and responsibilities agreed to by the Town of Green Mountain Falls have been outlined in the following Memorandum of Understanding. This document memorializes the agreed upon and shared objectives of the KFF and GMF.

Roles and Responsibilities

Town of Green Mountain Falls (GMF)

Ownership: The fitness court and all associated equipment is the property of GMF.

Insurance: GMF agrees to add and maintain coverage to the town CIRSA policy to cover the fitness court.

Town of GMF support of fitness court:

- a. Year round, daily access to restroom facilities in the park
- b. Wi-Fi internet to access the app and any supplemental training information for the fitness court
- c. A schedule for monitoring the fitness equipment for maintenance and safety
- d. Confirm that the fitness court location is ADA compliant
- e. Secure \$20,000 in funding to install the concrete pad required for the fitness court.
- f. Provide a plan to KFF to manage ongoing upkeep and maintenance of the park plus priorities for future improvements and upgrades to Pool Park grounds plus recreation and restroom facilities.

Kirkpatrick Family Fund (KFF):

- a. **Management of Art Licensing:** The fitness court will come equipped with Keith Haring artwork as selected by the GMF Board of Trustees on September 7th, 2021. See Exhibit A attached. The Keith Haring art is licensed for a period of five years. KFF will provide art licensing and management of artwork for the duration of the twenty year period with any new art selection having final approval by GMF.
- b. Agree to allow GMF to request reimbursement for maintenance expenses to repair or maintain the fitness court for items not covered under fitness court warranty. See exhibit B.

Duration

This MOU is for a period of twenty years beginning September 15th 2021 through September 15th, 2041. The MOU may be modified by mutual consent of authorized officials from partners. This MOU shall become effective upon signature by the authorized officials from the partners and will remain in effect until modified or terminated by any one of the partners by mutual consent.

Contact Information

Elizabeth K. Eickman
leickman@occf.org
 405-767-3702

Mayor Jane Newberry
GMFNewberry@gmail.com
 719-374-9395

 Elizabeth K. Eickman, Director

Date: _____

 Mayor Jane Newberry

Date: _____

Exhibits

Exhibit A – Artwork



Exhibit B – Warranty



Fitness Court® MAINTENANCE GUIDE

MAINTENANCE PROTOCOLS, MAINTENANCE RECORD TEMPLATE





MAINTENANCE KIT

1. Utilize NFC Maintenance Kit, provided with your Fitness Court, to support maintaining your system over time.

FITNESS COURT MAINTENANCE RECORD

The following items are recommended to be checked regularly (every 90 days or less if necessary) to ensure the equipment remains as installed.

1. Check tightness of all hardware
 - a. Wall Brackets including bolts for wall attachment, outer handle attachment, cable assembly attachment, cover plate attachment, hanger spool attachment.
 - b. Row Handle Assembly attachment to wall.
 - c. Push Station attachment to wall and securement to floor.
 - d. Pull Station securement to anchors and floor.
 - e. Lunge Station securement to anchors and floor.
 - f. Plyo Box securement to anchors and floor.
 - g. Bend Station securement to anchors and floor.
 - h. Bend Station foot hold bar to base plates.
2. Check condition of all cables, chains and connectors and ensure there are no frayed or thin areas.
3. Check for loose rivets on all equipment and replace as necessary.
4. Check condition of graphics and repair as necessary.
5. Check condition of paint and repair as necessary (see paint information below).
6. Check condition of floor marking and repair as necessary.

PAINT SYSTEM INFORMATION

The Fitness Court equipment is “powder coated”. The coating is baked onto bare steel and aluminum that has been specially cleaned and prepared for the powder coating and curing process. Care must be taken to prevent damage to the paint during installation. The coating is not easily damaged but can be scratched and can be damaged if the metal is deformed. If the coating is damaged during installation or during use, the following repair recommendations are provided to restore the coating and prevent corrosion of uncoated steel.

PAINT REPAIR PROCEDURE (PAINT KIT PROVIDED IN MAINTENANCE KIT)

1. Remove all loose and flaking coatings from the damaged area with a wire brush or putty knife. Scrubbing the surface with sandpaper can remove the more stubborn chipped powder coating. Fine-grit sandpaper is recommended, as coarse-grit paper could leave noticeable scratches on the surface.
2. Grind repair area with a power hand grinder or wire brush to bare metal. Grinding will result in a smooth, even surface that is ready for touch up. Be sure to remove any dust that results from the grinding process prior to applying the touch-up coating.
3. Tape off the area to be repaired. The taped off area should include a margin of “good” coating (don’t put the tape too close to the bare metal). Use a high-grade tape to prevent the adhesive material from sticking to the surface when removed.
4. A zinc-rich primer should be applied prior to the top-coat touch-up material. It is not mandatory but is highly recommended. The primer coating should be applied with a brush. Apply in thin layers until you have covered the bare metal completely and achieved sufficient film thickness.
5. Apply color match spray top-coat (provided in the Maintenance Kit) that matches the original color. Be sure that any prior coatings have completely dried before applying the color match spray touch up.

DEBRIS CLEANUP

1. Clean debris off the Fitness Court (leaves, sticks, etc.) seasonally as required, utilizing a leaf blower or other method.

[illegible]

National Fitness Campaign Warranty



FITNESS COURT WARRANTY

National Fitness Campaign LLC (“Company”), warrants the Fitness Court (“Equipment”) to be free from significant defects in material and manufacturing and to conform to published specifications for the periods described below.

25 Year Limited Warranty

Wall Structural Frames

3 Year Limited Warranty

Squat Boxes

Lunge Steps

Bend Boxes

5 Year Limited Warranty

Outer Wall Panels

Brackets

Pull Up Bars

Foot Strips

Push Ladders

Row Stands

1 Year Limited Warranty

Wall Graphics

Cables and Rings

Bend Cushion

Plyo Box Top Surface

Rowing Handles and Chain

All Other Components provided by NFC

WARRANTY COVERAGE

This Warranty applies to the Equipment for the time periods described for each component type and with the limitations described in this Warranty. The Warranty periods apply from the date of shipment of the Equipment to the Purchaser. The Company’s liability under this Warranty is limited to the replacement of defective Equipment. The Purchaser’s sole and exclusive remedy against the Company shall be for the replacement, at the Company’s discretion, of any defective Equipment as provided herein.

WARRANTY LIMITATIONS

This Warranty does not cover any loss or damage caused by (a) improper installation of the Equipment, (b) use of the Equipment for purposes other than which it is intended, (c) disasters such as fire, flood, wind, lightning or other “Acts of God”, (d) unauthorized alterations, modifications or abuse to the Equipment, (e) normal deterioration due to weather, UV exposure, wear and tear or other causes that do not affect functional use, including without limitation discoloration, fading, scratches, dents, vandalism, marring and normal levels of rusting, (f) neglect, negligence, or abnormal physical stress, (g) failure by Purchaser to install or maintain the Equipment in accordance with the Installation and Maintenance Guide, or (h) improper or incomplete installation of the Wall Graphics in accordance with the Alignment Guide.

PURCHASER’S EXCLUSIVE REMEDY FOR DEFECTIVE EQUIPMENT

During the applicable Warranty period, a Purchaser may make a claim, by sending written notice to the Company that includes a description of the defect along with photographs. Notice must be sent to info@nfchq.com.



The Company may request shipment of the defective parts for examination.

If the Company determines the defect to be valid and covered by this Warranty, the Company will replace the defective Equipment at no cost to the Purchaser, within 60 days of receiving the claim and defective parts, if requested. The Purchaser will be responsible for costs related to the removal and transport of defective components and the installation of replacements. Replacement parts are warranted for the remaining Warranty period of the original components.

SAFETY STANDARDS

This Equipment is not intended for use by individuals younger than 14 years of age.

ASTM has recently adopted ASTM F3101 - 15 Standard Specification for Unsupervised Public Use Outdoor Fitness Equipment.

While playgrounds are subject to laws in various states requiring compliance with ASTM and/or Consumer Product Safety Commission (CPSC) guidelines, at present there are no state laws requiring compliance with standards set forth by ASTM for outdoor fitness equipment (nor with CPSC guidelines, as none currently exist.) Play equipment can be certified to be in compliance with ASTM by the International Playground Equipment Manufacturers Association (IPE-MA), and many agencies have a requirement that they only purchase equipment that is IPEMA certified. However, at this time, this is not possible with outdoor fitness equipment, as IPEMA does not currently certify compliance of outdoor fitness equipment. In addition, at this time, there are no programs in place to train certified inspectors for outdoor fitness equipment.

Without a state law that requires compliance, specifications are voluntary only. However, National Fitness Campaign strives to comply with all of the voluntary specifications of ASTM F3101 - 15.

SALTWATER

Sustained exposure to saltwater can cause corrosion, color fading and wear. For Equipment installed within 250 yards of a saltwater body, defects caused by corrosion are covered for half of the standard Warranty periods. For Equipment in direct contact with saltwater or exposed to salt spray, defects caused by corrosion are not covered.

DISCLAIMER

***IN NO EVENT SHALL THE COMPANY BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES RELATING TO, ARISING OUT OF, OR IN CONNECTION WITH THE USE OR PERFORMANCE OF THE EQUIPMENT, INCLUDING AND WITHOUT LIMITATION, ANY LABOR AND/OR OTHER INSTALLATION EXPENSES INCURRED IN CONNECTION WITH THE REPLACEMENT OF THE DEFECTIVE EQUIPMENT WARRANTED HEREIN, OR ANY OTHER INDIRECT DAMAGES WITH THE RESPECT TO LOSS OF REVENUE OR PROFITS.**

*Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

TO THE EXTENT PERMITTED BY LAW, THIS WARRANTY AND THE REMEDIES SET FORTH ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, REMEDIES AND CONDITIONS, WHETHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE.

From: [Rocco Blasi](#)
To: [Angie Sprang](#)
Cc: [Jane Newberry](#); [Katharine Guthrie](#); [GMF Chris](#)
Subject: Correspondence for GMF Trustee Meeting
Date: Wednesday, September 15, 2021 9:43:10 PM

Hello,

I request the following correspondence to appear in the next Trustee agenda packet, thank-you.

CORRESPONDENCE RELATED TO GMF SWIMMING POOL

This is in response to the September 7th GMF Trustee agenda item 5, the USA Pools Presentation. I understand this item was not discussed as planned but I would like to present an alternative to the costly proposal for an outside third party to manage the GMF swimming pool.

I understand the GMF swimming pool is both historic and nostalgic. It offers benefits such as a social place to gather as well as providing an exercise venue. I understand why the Town Manager would want to find another entity besides Town Hall to run the pool. The question comes down to COST.

Based on the presentation, outside management fees minus projected revenue leave the Town with a \$17,000 annual deficit for offering the pool as a community amenity. Projected revenue may be overly optimistic since the Woodland Park pool offers a better experience at less cost. Regardless, any decision about the pool needs to account for the aging infrastructure of the facility and the equipment.

I've spoken with GMF residents who have had a role in running the pool in the past. Bottom line: pools are a money loser. Please consider an April ballot vote for our taxpayers to decide if we, as a community, feel the cost involved is worth continuing this expensive amenity. It's time to address the issue of the Town Pool via an informed vote of our residents. Respectfully submitted,

Rocco Blasi
10955 Belvidere Ave