



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, December 07, 2021, at 7:00 p.m.

Zoom Meeting Link and Login Info:

<https://us02web.zoom.us/j/87910627896?pwd=eUd0N3lmLzU3NlI0aTQ2YXY3WkgyZz09&from=addon>

Zoom meeting ID= 879 1062 7896 Meeting password= 016413 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 Payables from October 25th to December 06, 2021b. Minutes from BOT Meeting November 16, 2021c. USA Pools Proposal & Contract for Management of Operations of the GMF Municipal Poold. Water on Marrs Proposal & Scope of Services Agreement for the Maintenance of GMF Public Parks	BOT Action Desired
7:10	4.	Executive Session: <ul style="list-style-type: none">a. Pursuant to C.R.S § 24-6-402(f) for the Purpose of Personnel Matters, Specifically to Evaluate Applicants for Position of – Town Managerb. Pursuant to C.R.S § 24-6-402(e) for The Purpose of Matters That May be Subject to Negotiations, Developing Strategy for Negotiations, and/or Instructing Negotiators	
8:00	5.	Consideration of Resolution 2021-09, A Resolution of the Town of Green Mountain Falls, Colorado, Calling the Regular Election to be held on the 5 th day of April 2022	BOT Action Desired
8:05	6.	Consideration of Resolution 2021-10, A Resolution Levying General Property Taxes for the year 2021, to Help Defray the Costs of Government for the Town of Green Mountain Falls, Colorado, for the 2022 Budget Year	BOT Action Desired
8:10	7.	Consideration of Resolution 2021-11, A Resolution to Adopt the Town of Green Mountain Falls 2022 Budget, A Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget for the Town of Green Mountain Falls Colorado for the Calendar Year Beginning on the First Day of January 2022, and Ending on the last day of December 2022 <ul style="list-style-type: none">a. Town of Green Mountain Falls 2022 Budget	BOT Action Desired
8:20	8.	Consideration of Resolution 2021-12, A Resolution Adopting the Town of Green Mountain Falls 2022 Fee Schedule <ul style="list-style-type: none">a. Town of Green Mountain Falls 2022 Fee Schedule	BOT Action Desired
8:30	9.	Consideration of Ordinance 2021-06, An Ordinance of the Board of Trustees of the Town of Green Mountain Falls Repealing and Reenacting Chapters 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 15 of the Green Mountain Falls Municipal Code	BOT Action Desired
8:40	10.	Zoom Discussion & Discussion of Sunshine Laws/Open Meeting Laws and Responsibilities of Committees	

*Please note: Times are approximate.

**The Town shall provide reasonable accommodation for those with disabilities on a case-by-case basis. Please send accommodation requests to clerk@gmfco.us by 4pm on the date of the meeting.

8:55	11.	REPORTS a. Trustee Reports b. Committee Reports c. Staff Reports	Information Only
8:55	12.	CORRESPONDENCE a. DOLA Green Mountain Falls Land Use Code Award Extension – 06.30.2022 b. DOLA Comprehensive Roads Plan Grant Award Letter c. El Paso County Economic Development Oversight Committee, Conditional Award Letter to the Ute Pass Triangle Chamber of Commerce d. Press Release: Election Candidate Orientation	Information Only
8:55	13.	PERSONS PRESENT NOT ON THE AGENDA: 3 MINUTES PER SPEAKER	
9:00	14.	ADJOURN	

*Please note: Times are approximate.

**The Town shall provide reasonable accommodation for those with disabilities on a case by case basis. Please send accommodation requests to clerk@gmfco.us by 4pm on the date of the meeting.

Town of Green Mountain Falls
Vendor Invoices Journal
from October 25, 2021 to December 06, 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						
10/25/2021	18199	springsit	Springs IT	1-20-02-5110	General-Interdepartmental-Operations-Services - IT	240.00
10/29/2021	0705264-2517-1	WasteM	Waste Management	1-70-03-5201	General-Public Works-Utilities-Utilities - Natural Gas	114.17
10/31/2021	21-6479	gmcocorpora0000	GMCO Corporation	1-70-02-5122	General-Public Works-Operations-Maintenance - Building	11,520.00
10/31/2021	58	Hoffman	Hoffman, Parker, Wilson & Carberry	1-20-02-5114	General-Interdepartmental-Operations-Services - Town Attorney	2,047.50
10/31/2021	9	Hoffman	Hoffman, Parker, Wilson & Carberry	1-20-02-5114	General-Interdepartmental-Operations-Services - Town Attorney	2,125.50
11/01/2021	18221	springsit	Springs IT	1-20-02-5110	General-Interdepartmental-Operations-Services - IT	136.00
11/01/2021	3184738651	blackhills	Black Hills Energy	1-70-03-5201	General-Public Works-Utilities-Utilities - Natural Gas	48.00
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-40-02-5125	General-Public Safety-Operations-Maintenance - Vehicle	173.08
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5125	General-Public Works-Operations-Maintenance - Vehicle	736.00
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5130	General-Public Works-Operations-Supplies - Operational	233.79
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5130	General-Public Works-Operations-Supplies - Operational	100.99
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5124	General-Public Works-Operations-Maintenance - Roads	1,676.24
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5124	General-Public Works-Operations-Maintenance - Roads	6.99
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5124	General-Public Works-Operations-Maintenance - Roads	1,719.27
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5137	General-Public Works-Operations-Tools	18.99
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-50-02-5123	General-Parks and Recreation-Operations-Maintenance - Grounds	24.08
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-50-02-5123	General-Parks and Recreation-Operations-Maintenance - Grounds	12.99
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	1,134.24
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5136	General-Public Works-Operations-Equipment - Repair and Service	2,894.44
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-70-02-5122	General-Public Works-Operations-Maintenance - Building	238.06
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-20-02-5110	General-Interdepartmental-Operations-Services - IT	240.00
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-20-02-5110	General-Interdepartmental-Operations-Services - IT	240.00
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-10-03-5202	General-Administration-Utilities-Utilities - Telephone/Internet	309.70
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	44.97
10/31/2021	October Charges	UMBcardsvcs	UMB Card Services	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	14.99
11/03/2021	2022 Membership Dues	coloradomun0000	Colorado Municipal League	1-20-02-5101	General-Interdepartmental-Operations-Fees - Annual Dues, Licenses, Memberships	603.00
11/04/2021	7944145464	COSpringUtil	Colorado Springs Utilities	1-70-02-5124	General-Public Works-Operations-Maintenance - Roads	1,868.06
11/05/2021	101527	wilsoncompany	Wilson & Company	2-10-00-4030	Capital Improvement-Administration-Grants - State - DOLA 2 (Flood Recovery)	7,069.68
11/05/2021	11052021	brianbundy0000	Brian Bundy	1-10-02-5113	General-Administration-Operations-Services - Professional	700.00
11/10/2021	84971	FlairData	Flair Data Systems DBA	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	80.00
11/12/2021	85058	FlairData	Flair Data Systems DBA	1-10-03-5202	General-Administration-Utilities-Utilities - Telephone/Internet	223.80
11/15/2021	PPRCN1221	cityfinanceacct	City Finance Accts Rec	1-20-02-5101	General-Interdepartmental-Operations-Fees - Annual Dues, Licenses, Memberships	1,350.00
11/17/2021	5200166935	COSpringUtil	Colorado Springs Utilities	1-10-03-5200	General-Administration-Utilities-Utilities - Electric	133.44
11/17/2021	5872676037	COSpringUtil	Colorado Springs Utilities	1-60-03-5200	General-Pool-Utilities-Utilities - Electric	15.92
11/17/2021	6357261325	COSpringUtil	Colorado Springs Utilities	1-70-03-5200	General-Public Works-Utilities-Utilities - Electric	74.54
11/17/2021	7990482304	COSpringUtil	Colorado Springs Utilities	1-50-03-5204	General-Parks and Recreation-Utilities-Utilities - Electric - Gazebo	79.94
11/17/2021	9827690757	COSpringUtil	Colorado Springs Utilities	1-50-03-5203	General-Parks and Recreation-Utilities-Utilities - Electric - Fountain	25.85
11/17/2021	9995234678	COSpringUtil	Colorado Springs Utilities	1-40-03-5200	General-Public Safety-Utilities-Utilities - Electric	18.81
11/18/2021	9364097282	COSpringUtil	Colorado Springs Utilities	1-70-03-5206	General-Public Works-Utilities-Utilities - Electric - Street Lights	4,535.58
11/19/2021	11192021	brianbundy0000	Brian Bundy	1-10-02-5113	General-Administration-Operations-Services - Professional	800.00
11/19/2021	REV - 2622	pocketpals0000	Pocket Pals Trail Maps	1-50-02-5130	General-Parks and Recreation-Operations-Supplies - Operational	-660.00
11/29/2021	0706674-2517-0	WasteM	Waste Management	1-70-03-5201	General-Public Works-Utilities-Utilities - Natural Gas	114.24
11/29/2021	2622	jessestroop0000	Jesse Stroope	1-50-02-5130	General-Parks and Recreation-Operations-Supplies - Operational	660.00
11/30/2021	053	wilsonwilli0000	Wilson Williams LLP	2-10-00-4040	Capital Improvement-Administration-Grants - State - DOLA 3 (Planning Code Rewrit	2,488.80
12/01/2021	18276	springsit	Springs IT	1-20-02-5110	General-Interdepartmental-Operations-Services - IT	240.00
12/01/2021	M63331737943	araizeinc	Araize INC.	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	166.00
12/02/2021	00367368	municipalcodeco	Municipal Code Coportion	1-20-02-5104	General-Interdepartmental-Operations-Fees - Software	225.00
12/02/2021	12032021	brianbundy0000	Brian Bundy	1-10-02-5113	General-Administration-Operations-Services - Professional	800.00
Total For 1-00-00-2000 General-Accounts Payable						<u>47,662.65</u>

Jane Newberry, Mayor

Angie Sprang, Town Manager

TOWN OF GREEN MOUNTAIN FALLS
Regular Board of Trustee Meeting
November 16, 2021 – 7:00 P.M.
MEETING MINUTES

Board Members Present

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

Board Members Absent

Trustee Chris Quinn

Town Attorney

Not present

Town Manager

Angie Sprang

Public Works

Not present

Town Clerk

Vacant Position

Marshal's Dept.

Virgil Hodges

Administrative Assistant

Vacant Position

Planning Director

Not present

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

Mayor Newberry called the meeting to order at 7:02 pm. Pledge recited.

2. Additions, Deletions, or Correction to the Agenda

None.

3. Consent Agenda

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

4. Letter to Local Government Managers and Attorneys & Opioid Settlement Documents

Mayor Pro Tem Peterson motioned to approve the documents as presented. Seconded by Trustee Guthrie. Motion passed unanimously.

5. PPRTA Fourth Amended and Restated Establishing IGA

Mayor Pro Tem Peterson motioned to approve the PPRTA Fourth Amended and Restated Establishing IGA as presented. Seconded by Trustee Guthrie. Motion passed unanimously.

6. Consideration of Resolution 2021-07, A Resolution naming Appointments to Committees, Commissions, and Outside Agencies.

Discussion ensued. Mayor Newberry motioned to approve the PPRTA and PPACG committee appointments only with noted edits. Mayor Pro Tem Peterson seconded the motion. Motion passed unanimously.

7. Consideration of Resolution 2021-08, A Resolution of the Town of Green Mountain Falls Establishing Retirement Benefits for Town Employees in Partnership with the Colorado Retirement Association

Mayor Newberry moved to approve resolution and contract as presented. Trustee Guthrie seconded the motion. Motion passed unanimously.

8. Pursuant to C.R.S. 24-6-402 (f) for the Purpose of Personnel Matters, Specifically to Evaluate Applicants for the Position of – Town Manager

Mayor Newberry motioned to enter executive session. Mayor Pro Tem Peterson seconded the motion. The motion passed unanimously.

9. Reports

10. Correspondence

11. Persons Present Not on the Agenda: 3 Minutes Per Speaker

17. Adjournment

The meeting adjourned at 09:45 pm.

Angie Sprang, Town Manager

Jane Newberry, Mayor

USA Pools of Colorado



Aquatic Facility Management
Town of Green Mountain Falls, CO



Join Us



In supporting Youth Scholarships, Programs and Water Safety

When you do business with **USA Management** we will donate \$150.00 on your behalf!

Choose a fund! (check one)

- ☐ **Lifeguard Scholarships:** being a lifeguard can be costly and many do not have the means to enter into the job force. They may have to obtain or maintain their certifications as well as lifeguard equipment. Your contributions aid by providing scholarship money to those who cannot otherwise afford employment.
- ☐ **Water Safety with WAW(Watch Around Water):** often communities and facilities cannot afford to provide lifesaving equipment or programs to their youth. This fund provides lifejackets utilizing note to float as well as swim lessons to all ages. Swimming lessons is the #1 way to prevent drowning.

Receive a charitable donation receipt.

Thank you for your support!



Staffing Your Aquatic Facility



 Guard station/ zone



Management Package Pricing



Silver

1 Year \$16,980.00

Advertise
Recruit
Interview
Hire
Onboard
Certification training
Onsite Training
Provide staff
Schedules
Daily Operations
Management
Payroll
Support water safety
Risk Management
Audits



Gold

Add \$980.00

Advertise
Recruit
Interview
Hire
Onboard
Certification training
Onsite Training
Provide staff
Schedules
Daily Operations
Management
Payroll
Support water safety
Risk Management
Audits
*Staff wages are \$2.00
higher per hour



Platinum

Add \$2,020.00

Advertise
Recruit
Interview
Hire
Onboard
Certification training
Onsite Training
Provide staff
Schedules
Daily Operations
Management
Payroll
Support water safety
Risk Management
Audits
*Staff wages are \$5.00
higher per hour



Aquatic Management Agreement

THIS AGREEMENT, between USA Pools of Colorado (the "Company") and Town of Green Mountain Falls (the "Owner"), is to provide management services by the Company of the Owner's aquatic facility located in El Paso County, CO, in accordance with the specification, conditions, and terms set forth herein.

1. OPERATIONAL TIMES

DATES OF OPERATION:

May 28, 2022 through September 5, 2022

Aquatic Facility will be open weekends only while local, public schools are in session.

HOURS OF OPERATION:

Monday 10:00am-5:00pm

Thursday 10:00am-5:00pm

Sunday 12:00pm-7:00pm

Tuesday 12:00pm-7:00pm

Friday 12:00pm-7:00pm

Wednesday 10:00am-5:00pm

Saturday 10:00am-5:00pm

2. SCOPE OF SERVICES:

Advertise & Recruit

Promote Programs & Events

Manage Daily Operations

Interview & Pre-Screen

Hire & On-boarding

Risk Management

Training

Support Water Safety

Provide Staff

3. PAYMENTS : The Company hereby proposes to perform the work and services set forth above for the average price of \$15,940.00 for 2022, 2023, 2024 (3 years) or the price of \$16,980.00 for 2022 (1 year) swim year upon specification, conditions and terms as set forth herein. Payments by Owner to Company shall be made in accordance with the following schedule:

DUE

Total Contract Price	Sign/Renew	1-Dec	1-Feb	1-Apr	1-Jun	1-Jul	1-Aug
1 Year \$16,980.00	\$849.00	\$849.00	\$849.00	\$1,698.00	\$5,094.00	\$5,094.00	\$2,547.00

Note: if payment schedule is past the month of signing, payments must be caught up to reflect the payment schedule

****Contract Price listed is reflective of Silver Package pricing.**

Add Alternate 1: _____ (initial to accept)

Aquatic Director \$9,890.00 (Payments – 10% Signing, Equal payments May 1 through August 1)

Add Alternate 2: _____ (initial to accept)

On Call Team Member \$1,630.00 (Payments – 10% Signing, Equal payments May 1 through August 1)

4. PROPOSAL EXPIRATION OPTION: This contract is void at the Company's option if not executed by the Owner and returned to the Company 30 days after November 29, 2021.

5. ACCEPTANCE: Acceptance of this Agreement by Owner through signatures below, along with any payments due above will constitute a contract entered into in accordance with the specifications, terms and conditions and addenda attached hereto. If Owner elects the three year option price, the renewal date in the Effective Date section of the Agreement will be waived during the term of the three year period. Owner may cancel the Agreement for nonperformance by the Company as provided in the Cancellation section of the Agreement. Owner acknowledges that it owns and/or operates the pool facility and has legal capacity and authority to enter into this agreement and bind the property owner of the pool facility. Owner agrees to the contract specifications in the proceeding body Agreement. Any actual changes must be listed in a separate Addendum.

USA Pools of Colorado

Town of Green Mountain Falls

By: USA Management, LLC

Name: _____

By: Contract Department

Date: November 29, 2021

By: _____

Authorized Agent - "Owner"

Date: _____

Check 1YR _____ or 3YR _____

Aquatic Cleaning Agreement

THIS AGREEMENT, between USA Pools of Colorado (the "Company") and Town of Green Mountain Falls (the "Owner"), is to provide pool cleaning services by the Company of the Owner's aquatic facility located in El Paso County, CO, in accordance with the specification, conditions, and terms set forth herein. This Agreement, when executed by both parties hereto, shall become effective on date of signing, for the swim year(s) starting on **May 28, 2022 through September 5, 2022**. Company guarantees this price for 30 days.

RESPONSIBILITIES: Company shall be required to be responsible for the following duties and daily on-site cleaning for the purpose of maintaining the facility to industry standards.

Checking water chemistry and record readings.
Check & adjust water level in pool(s)
Clean gutters, skimmers and drains according to companies cleaning schedule.
Vacuuming pool according to companies cleaning schedule.
Clean scum-line around pool edge according to companies cleaning schedule.
Skim surface of pool(s)
Brush wall & side of pool(s)
Blow off deck according to companies cleaning schedule.
Straightening deck furniture.
Assist with picking up trash at facility.
Emptying trash receptacles
Backwash and clean filter system
Clean & empty hair & lint traps according to companies cleaning schedule.
Perform requisite repair work as authorized and needed by Owner.
Report services and duties on Customer web portal for Owners inspection.

WEEKLY SERVICE: Company personnel shall service the pool no less than two (2) times per week under normal operation of the pool. Additional visits may be scheduled for additional cost.

PAYMENTS: **Monthly cost for work: \$2,370.00 (May through September)**

The Owner agrees that the facility and equipment rooms shall be available to Company at all times during the term of the Agreement. Owner further agrees to notify Company of any defects or maintenance issues of their facility and premises including but not limited to, pool equipment, pumps, chlorinators, vacuum system, lifeguard stands and/or any other water/safety issues. Owner also agrees to supply any previous Health Department inspections and/or violations.

Payments are due on the 1st of every month. Payments, including, but not limited to, payments for repairs, parts, equipment, or labor, not made on or before five (5) days from the due date shall be subject to a delinquent payment of five percent (5%) of the amount due or any portion thereof. In the event payments are not received ten (10) days from the due date, the Company shall have the right, and at its option, and within its sole discretion, to interrupt or terminate its services under this Agreement and to withdraw and remove unpaid amounts for parts, equipment, and/or supplies from Owner's facilities without any further or additional notice to Owner. Any such interruption or termination notwithstanding, Owner shall be fully responsible for all payments provided herein.

The Owner may cancel this agreement at any time for any reason by giving at least thirty (30) days notice in writing to the Company. If the agreement is cancelled by the Owner as provided herein, the Company will be paid in full for the work completed as of the date of the 30 day termination.

ACCEPTANCE: Acceptance of this Agreement by Owner through signatures below, along with any payments due above will constitute a contract entered into in accordance with the specifications, terms and conditions and addenda attached hereto.

USA Pools of Colorado

Town of Green Mountain Falls

By: USA Management, LLC

Name: _____

By: Contract Department

Date: 11/29/2021

By: _____

Authorized Agent - "Owner"

Date: _____

Aquatic Opening & Closing Agreement

THIS AGREEMENT, between USA Pools of Colorado (the “Company”) and Town of Green Mountain Falls (the “Owner”), is to provide opening and closing services by the Company of the Owner’s aquatic facility located in El Paso County, CO, in accordance with the specification, conditions, and terms set forth herein. This Agreement, when executed by both parties hereto, shall become effective on date of signing, for the swim season(s) **May 28, 2022 through September 5, 2022**. Company guarantees this price for 30 days.

OPENING: Company shall make pool “ready to swim” by completing the following services, where applicable:

- Clean pool
- Clean scum line
- Vacuum pool bottom
- Brush pool walls
- Skim pool surface
- Clean and prepare all gutters, skimmers and drains
- Clean deck area; pressure wash available for an additional charge
- Set up removable pool equipment
- Clean bathhouse
- Fold pool cover(s)
- Circulate water through filtration system
- Inject all necessary chemicals to establish proper levels for:
 - Free Chlorine
 - Total Alkalinity
 - PH
 - Cyanuric acid
 - Calcium hardness
- Set out and clean deck furniture. (Due to aging some stains may not be removable)
- Perform requisite repair work as authorized and needed by Owner.
- Owner represents and assures that the pool(s) at the Owners aquatic facility will be free and clean of algae on the commencement of opening services. Owner agrees to pay reasonable fees determined by Company and the Owner for the cleanup and chemical treatment of the pool(s).

TRANSITION PERIOD: Should time elapse between the end of a current service and the start date of a successor agreement: the Owner agrees that an unattended aquatic facility is subject to the development of algae, chemical imbalances, accumulation of debris and leaves. The conditions that may adversely affect the filtration system and those that may contribute to the possibility of freeze damage and other conditions not specified or limited to those above will be reviewed and the conditions evidenced will be reported to the Owner for action as the Owner deems in its best interest. Should the facility require cleaning or repairs to prepare for the inspection and opening per this agreement or a successor agreement, the Owner agrees to pay the Company to remedy this condition or on a basis mutually agreeable to the parties.

CLOSING: After the pool facilities last day of operations the Company shall close the pool facility as soon as Company deems possible. The Company shall complete the following services to close the facility:

- Pump pool water to correct level.
- Install Owner's cover(s). (If applicable)
- Drain pumps and hair/lint strainer.
- Backwash and drain filter tanks.
- Open all valves to appropriate settings.
- Store Owner's deck furniture onsite.
- Remove and store skimmer parts.
- Cover all skimmers with plastic to prevent winter rain from refilling drained skimmers.
- Remove and store all moveable pool equipment.
- Store chemical injection system.
- Drain and store water hoses.
- Add winterization chemicals to pool to retard algae growth.
- Prepare pool and pool plumbing lines for freeze protection; Company agrees to use common and accepted winterization techniques, but assumes no responsibility for freeze damage, Company shall inject anti-freeze in skimmers and related fixtures.
- Perform requisite repair work as authorized and needed by Owner.

Total Cost for Work: \$4,592.00

Payments: \$ 459.20 due upon signing
 \$2,755.20 due upon commencement of opening
 \$1,377.60 due upon commencement of closing

Payments, including, but not limited to, payments for repairs, parts, equipment, or labor, not made on or before five (5) days from the due date shall be subject to a delinquent payment of five percent (5%) of the amount due or any portion thereof. In the event payments are not received ten (10) days from the due date, the Company shall have the right, and at its option, and within its sole discretion, to interrupt or terminate its services under this Agreement and to withdraw and remove unpaid amounts for parts, equipment, and/or supplies from Owner's facilities without any further or additional notice to Owner. Any such interruption or termination notwithstanding, Owner shall be fully responsible for all payments provided herein.

ACCEPTANCE: Acceptance of this Agreement by Owner through signatures below, along with any payments due above will constitute a contract entered into in accordance with the specifications, terms and conditions and addenda attached hereto.

USA Pools of Colorado

Town of Green Mountain Falls

By: USA Management, LLC
Name: _____
By: Contract Department
Date: 11/29/2021

By: _____
Authorized Agent - "Owner"
Date: _____

CUSTOMER CONTACTS

Please complete upon signing

PRIMARY CONTACT:

Name: _____
Title or Position: _____
Street: _____
City: _____ State: _____ Zip: _____
Telephone: () _____
Email: _____

SECONDARY CONTACT:

Name: _____
Street: _____
City: _____ State: _____ Zip: _____
Telephone: () _____
Email: _____

ACCOUNTING CONTACT:

Name: _____
Street: _____
City: _____ State: _____ Zip: _____
Telephone: () _____
Email: _____

BILLING ADDRESS:

Name: _____
Street: _____
City: _____ State: _____ Zip: _____

FACILITY INFORMATION:

Name: _____
Street: _____
City: _____ State: _____ Zip: _____
Telephone: () _____

Office Use ONLY:

Management _____ Maintenance _____ OWCW _____
Total Hours _____



Reference #3489

Proposal

Attn: Angie Sprang	Rep: Tom Hughes
Town of Green Mountain Falls	Phone: 877-MARRS-56
PO Box 524	Email: Tom@WaterOnMarrs.com
Green Mountain Falls, CO 80819	September 1, 2021
719-684-9414	Terms good 90 days from date of proposal.
manager@gmfco.us	Proposal #: 3489

Thank you for once again inviting our team to offer our services to the Town. We have enjoyed working with you over the years and welcome the opportunity to do so again.

After our discussions and review of the service/maintenance needs you've expressed, we have put together the following proposal. Please review and let us know if you have any questions or if you need further clarification or correction in relation to any of the detailed items. Details follow:

Following is an outline of the scope of service and maintenance anticipated to be performed over the summer months of May through September:

MAY—SEPTEMBER <ul style="list-style-type: none">● Mow and weed-whack grass and weeds in parks. To be performed weekly or bi-weekly, depending on season and conditions of the grounds.● Rake and remove goose droppings as needed.● Clean and maintain tennis/pickleball courts.	-\$1,650/month (\$8,250 total for 5-month period)
APRIL-JUNE <ul style="list-style-type: none">● Initiate fountain operation, refresh system, and provide occasional basic fountain maintenance.● Flush and repair sprinklers and turn on for summer.● Fertilize grass.● Apply environmentally safe goose repellent at Lake Park. Recommending six (6) applications.	-\$500 FLAT -\$500 FLAT -\$500 FLAT -\$500/app (\$3,000 total)
JULY <ul style="list-style-type: none">● Trimming shrubs, bushes, and small trees, and removing cut and fallen debris. Three-man crew – billed by hour. NOTE: large trees and any elevated tree trimming must be performed by an arborist or tree-trimming specialist.	-\$150/hour

Water on MARRS Inc.

PO Box 6776, Burbank, CA 91510 ☎ Lic #940440
phone & fax: 1.877.MARRS-56 ✉ email: DesignGroup@WATERonMARRS.com
www.WATERonMARRS.com



Reference #3489

AUGUST <ul style="list-style-type: none">● Preparation for Bronc Day so that the grounds will be aesthetically pleasing to the residents enjoying the festivities.● Additional mowing and cleaning to prepare for events. Three-man crew – billed by hour.	<ul style="list-style-type: none">- \$3,500 FLAT- \$150/hour
AUGUST/SEPTEMBER <ul style="list-style-type: none">● Flush and winterize sprinkler system and shut down.● Winterize fountain system.● Remove tennis court net and basketball hoop nets and store for winter.	<ul style="list-style-type: none">- \$250 FLAT- \$350 FLAT- No charge

Water on MARRS is a fully licensed, insured, and bonded general contractor (Lic. #940440) in the state of California. We carry Workers Compensation insurance.
A \$25 Late Payment Processing Fee is assessed on any invoices past 30 days due. Additionally, interest of 1.5% per month will be added to any account past due.



Reference #3489

Liability Release/Waiver

Additionally, while Water on MARRS Inc. and its employees and affiliated companies (hereinafter referred to collectively as "The Company") will make every reasonable effort to ensure the safety of the water feature and additional elements as outlined above, The Customer as signed and printed below (referred to as the Customer) understands that an inherent danger exists with any water feature. This danger includes but is not limited to slippery surfaces and drowning hazards. The Customer releases The Company and its affiliates of any and all liability for any accidents or occurrences involving the water feature and/or other elements installed and/or serviced by The Company and resulting in injury, death, and/or damage to person, animal, or property, and assumes full responsibility for maintaining the safe operation and maintenance of said water feature and/or other elements.

By signing here, customer agrees to the terms and/or schedule set forward in this proposal, except as modified above and initialed by both parties. Customer's signature in effect converts this proposal into a contract, return of which along with the deposit designated above will serve to certify customer's intent in going forward with the proposed project and will confirm customer's position on Water on MARRS Inc.'s construction schedule.

Customer's acknowledgment:

Water on MARRS Representative:

Sign:

Date:

Sign:

Date:

Print:

Print:

RESOLUTION NO. 2021-09

**A RESOLUTION OF THE TOWN OF GREEN MOUNTAIN FALLS,
COLORADO, CALLING THE REGULAR ELECTION TO BE
HELD ON THE 5TH DAY OF APRIL 2022**

WHEREAS, the Town's regular elections are held on the first Tuesday of April in even-numbered years, with the 5th day of April 2022 being the next election date; and

WHEREAS, the Board of Trustees wishes to document its desire regarding conduct of the election;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO, THAT:**

1. The Town's Regular Election will be conducted on the 5th day of April 2022 pursuant to CRS 31-10-101 et sec, also known as the Municipal Election Code.
2. This election will be conducted as a mail ballot election.
3. The Town Clerk or designee is designated as the Designated Election Official.
4. Pursuant to CRS 31-10-401, the Board of Trustees delegates authority to the Town Clerk or designee to recruit and secure Election Judges in a number that they deem appropriate.

ADOPTED this 7th day of December 2021.

TOWN OF GREEN MOUNTAIN FALLS,
COLORADO

Jane Newberry, Mayor

(SEAL)

ATTEST:

Town Clerk

RESOLUTION NO. 2021 - 10

RESOLUTION TO SET MILL LEVIES

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2021, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO, FOR THE 2022 BUDGET YEAR.

WHEREAS, the Board of Trustees of the Town of Green Mountain Falls has adopted the annual budget in accordance with the Local Government Budget Law, on the 7th day of December 2021; and,

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is \$212,212; and,

WHEREAS, the 2022, valuation for assessment for the Town of Green Mountain Falls as certified by the El Paso County Assessor is \$11,363,170; and,

WHEREAS, the 2022, valuation for assessment for the Town of Green Mountain Falls as certified by the Teller County Assessor is \$702,560;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees of the Town of Green Mountain Falls Colorado:

Section 1. That for the purpose of meeting all general operating expenses of the Town of Green Mountain Falls during the 2022 budget year, there is hereby levied a tax of 17.588 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the year 2022.

Section 2. That the Mayor is hereby authorized and directed to immediately certify to the County Commissioners of El Paso and Teller Counties, Colorado, the mill levies for the Town of Green Mountain Falls as hereinabove determined and set.

Adopted: This 7th of December 2021.

ATTEST:

Jane Newberry, Mayor

Angie Sprang, Town Manager

RESOLUTION NO. 2021-11

**A RESOLUTION TO ADOPT THE TOWN OF GREEN MOUNTAIN FALLS
2022 BUDGET**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH
FUND AND ADOPTING A BUDGET FOR THE TOWN OF GREEN MOUNTAIN FALLS
COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF
JANUARY 2022, AND ENDING ON THE LAST DAY OF DECEMBER 2022**

WHEREAS, the Board of Trustees of the Town of Green Mountain Falls, has authorized the Budget Officer, to prepare and submit a proposed budget to said governing body at the proper time; and,

WHEREAS, the Town's Budget Officer, Angie Sprang, has submitted a proposed budget to the governing body on September 21, 2021, for consideration.

WHEREAS, a workshop was held for the purpose of receiving public input on November 02, 2021.

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 07, 2021, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and,

WHEREAS, changes in the draft budget were done in such a manner that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Trustees of the Town of Green Mountain Falls, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

General Fund	<u>\$ 847,788</u>
Capital Improvement Fund	<u>\$ 925,620</u>
Conservation Trust Fund	<u>\$ 10,625</u>

Section 2. That the budget, as submitted herein above summarized by fund, hereby is approved and adopted as the budget of the Town of Green Mountain Falls, Colorado for the year stated above. The Budget hereby adopted shall be signed by the Mayor and made a part of the public records of the Town.

INTRODUCED, READ, PASSED, AND ADOPTED, this 7th day of December, 2021.

ATTEST:

Jane Newberry, Mayor

BOARD OF TRUSTEES AGENDA MEMO

DATE: 12.07.2021	AGENDA NO 7	SUBJECT: Consideration of Resolution 2021-11, A Resolution to Adopt the Town of Green Mountain Falls 2022 Budget, A Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget for the Town of Green Mountain Falls Colorado for the Calendar Year Beginning on the First Day of January 2022, and Ending on the last day of December 2022
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 notice of budget was published in the Pikes Peak Courier on September 29th, 2021.

Pursuant to Colorado Revised Statutes (C.R.S 29-1-05) the Budget officer submitted a proposed budget to the governing body on September 21, 2021, prior to the October 15 submittal requirement.

As part of our priority-based budgeting process, the Board of Trustees and Advisory Boards participated in a collaborative work session at the Board of Trustees meeting on November 02, 2021.

Discussion:

Attached you will find the final draft of our municipal budget for fiscal year 2022.

A draft budget is a working document that is subject to 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 receives final assessed valuations for property tax revenue projections later in the year prior to final budget adoption. There are many considerations such as this in municipal budgeting.

The attached budget provides **projections** for fiscal year 2022 and a proposed final 2022 budget for the Town of Green Mountain Falls. While projections are imperfect as no one can tell the future, they are close to accurate, and provide staff and the Board with a guide to follow throughout the 2022 fiscal year. We all saw how budgets can change such as during the COVID global pandemic. The Town fared well despite many challenges economic and pandemic related. Global and national politics took their toll, but as a community we can choose to come back together and work in unison for the betterment of Green Mountain Falls. We look forward to a positive and productive 2022.

Town Staff would like to thank, the Parks, Recreation, & Trails Advisory Board and the Fire Mitigation Advisory Board for working on proposed annual work plans and worked with the Board of Trustees during collaborative work sessions. During the month of November, they presented a brief 2021 project progress report to the Board of Trustees, and included goals/work plans for 2022, so that the Board could consider their suggestions 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 the regular Board of Trustees meeting on September 21, 2021 meeting, and the Board of Trustees – Advisory Board collaborative work sessions are included in the final iteration of the 2022 draft budget as presented, which is before the Board of Trustees this evening for adoption.

Attached you will find the annual Staff budget message to the Board of Trustees and Citizens.

Finally, a big thank you to the Board of Trustees for their thoughtful input throughout our priority-based budgeting process. Again, it is this team effort and spirit of collaboration among the Trustees, Advisory Boards, and Staff that makes us successful as a Town and ultimately as a community.

Recommended Action:

Approve Resolution 2021-11, A Resolution to Adopt the Town of Green Mountain Falls 2022 Budget, A Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget for the Town of Green Mountain Falls Colorado for the Calendar Year Beginning on the First Day of January 2022, and Ending on the last day of December 2022.

Recommended Motion:

I move to approve Resolution 2021-11, A Resolution to Adopt the Town of Green Mountain Falls 2022 Budget, A Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget for the Town of Green Mountain Falls Colorado for the Calendar Year Beginning on the First Day of January 2022, and Ending on the last day of December 2022.

Respectfully Submitted,
Angie Sprang



2022 Budget Message

Town of Green Mountain Falls, Colorado
10615 Green Mountain Falls Road
Green Mountain Falls, CO 80863

December 07, 2021

Board of Trustees and Citizens of Green Mountain Falls,

Pursuant to §29-1-103(1)(e) of the Colorado Revised Statutes, it is my pleasure to present the following budget message to accompany the 2022 Annual Budget for the Town of Green Mountain Falls. The following budget sets forth projections of Town expenditures and revenues for the period of January 1, 2022 through December 31, 2022.

For 2022, the Town's overall budget is \$1,773,408. Of this total, \$847,788 in expenses are attributable to the General Fund. A remaining \$10,625 in expenses are budgeted within the Conservation Trust Fund. The Capital Improvement Fund for 2022 is anticipated to be \$925,620. After these expenses, anticipated end-of-year unrestricted fund balance are budgeted as follows:

General Fund – \$847,788.

Capital Improvement Fund – \$925,620, \$25,367 TABOR emergency reserve.

Conservation Trust Fund – \$10,625.

Per C.R.S. §29-1-102(2)(b), the Town's budget is based on a modified accrual basis.

Per C.R.S. §29-1-103(1)(e), this budget will permit the Town to continue to afford the following basic municipal services:

- Public Works
 - Road maintenance and upkeep
 - Parks maintenance and upkeep
 - Facilities maintenance and upkeep (including municipal Pool facility)
 - Fleet maintenance and upkeep
- Town Marshall
 - Respond to complaints/enforce all provisions of the Town's municipal code
 - Manage all law enforcement-related records
 - Maintain all administrative compliance elements of the department
 - Manage part-time volunteer reserve officers
 - Municipal Court – assist in prosecution of municipal code infractions
 - Serve as general liaison to the public in keeping the peace (community policing)
 - Emergency management – assist in the immediate management of emergency/disaster events
 - Events management – lend operational support to local events to ensure permit compliance, proper traffic management, and the general safety of attendees
- Office of the Clerk-Treasurer

- Town Board of Trustees and appointed committee management
 - Agenda publication and management
 - Public notifications
 - Recording and publication of minutes of proceedings
 - Vacancy announcements and management
- Designated Local Election Official
- Licensing Official (businesses, short-term rentals, animals, liquor, special event permits, etc.)
- Records Management (financial, personnel, contractual, municipal court, etc.)
- Municipal Code Updates
 - Ordinance tracking
 - Interface with online code publishing company to maintain updates
- Municipal Court Clerk
- Human Resources Support (payroll administration, policy development, professional development, onboarding/offboarding, volunteer management, etc.)
- Information Technology Support
 - Website content management
 - Interface with independent consultants for network upkeep
 - Software/hardware maintenance
 - Legal Services
 - Interface with Town Attorney's Office as needed/appropriate
- Insurance Administration – property/casualty, workers compensation, health
 - Enrollment
 - Renewals
 - Claims
- General Financial Services
 - Procurement officer
 - Accounts payable/receivable management
 - Annual auditing support
 - Banking/credit/investment management
 - Budget tracking/maintenance
 - Fiscal reporting
 - Procurement assistance
- Events Management
 - Manage Pavilion bookings
 - Provide event support as appropriate (e.g. insurance, scheduling)
- Planning/Land Use
 - Staff support to Planning Commission
 - Liaison between Planning Commission, Board of Trustees, Town residents, applicants, other Town staff
 - Land use/zoning determinations – e.g. vacations, annexations, development
 - Grant writing/administration
 - Capital project planning/management
 - Economic development
 - Trails management
 - Short-term rental administration
 - Plan reviews
 - Permit request review/issuance (development, revocable permits, grading, street cuts, etc.)

- Primary interface with Regional Building Department, EPC Health, other entities as needed
- Comprehensive Plan monitoring/implementation
- Code enforcement (relating to land use, zoning, construction, etc.)
- GIS technician
- Event support
- Town Manager
 - Liaison between Town staff and Board of Trustees
 - Operations management (principle supervisory authority for Public Works)
 - Hiring/firing non-appointed staff
 - Day-to-day oversight/work plan management
 - Performance reviews/goal-setting
 - Disciplinary matters
 - Municipal budget officer
 - Liaison to Town Attorney's Office
 - Communication of Town Board articulated legal questions/concerns
 - Direction on desired legislation
 - Strategizing/negotiating regarding actual or potential legal disputes
 - Capital project budgeting/planning/management
 - Contract management
 - Grant oversight/strategic planning
 - Intergovernmental liaison/representative
 - Organizational health
 - Professional development planning
 - Ongoing staff analyses/evaluation of outsourcing opportunities
 - Public Information Officer
 - Emergency management
 - Insurance administration
 - Event support
 - ADA coordination

Note: All departments are jointly responsible for providing basic administrative support – i.e. general customer service, office management, fielding public inquiries, etc.

Included in the budget is a three (3) percent COLA increase. Significant line item changes notable are increased fee revenues, which will offset the cost of planning services.

Relative to the general fund expenses of \$847,788 balance with anticipated revenues in 2022, which are \$845,583. Net revenues after expenses in the General Fund are therefore anticipated to be \$8,515 above general fund expenses, before the transfer to the Capital Improvement Fund. The total net revenues after expenses for the Capital Improvement Fund for 2022 is anticipated to be \$15,000. The Conservation Trust Fund (lottery proceeds) is projected to bring in \$10,625 in 2022 funds, which per State law will be used for parks maintenance/grant matching funds/parks capital improvements.

The primary capital achievements contemplated are as follows:

- \$326,046 for the completion of the Stilling Basin's Project (PPRTA)
- \$104,300 for the completion of a Comprehensive Roads Plan, DOLA funded 50% of this project with a 50% match for the Town

- \$150,000 – El Paso County Community Development Block Grant (CDBG) Project “Access for All” for Lake Park ADA improvements including an ADA accessible path from handicap parking area alongside the lake leading to a floating ADA accessible pier on East side of Lake
- \$30,000 for a comprehensive signage and parking project (Kirkpatrick \$30k, no match) – project is near completion and signs are currently being installed around Town, a big thank you to the Wayfinding Signage Community Taskforce for working on this project
- \$75,000 for a Planning Code Re-write (DOLA \$25k 50/50 match, Kirkpatrick \$45k no match) – project has been ongoing for over a year and has an anticipated completion of February 2022
- \$15,000 for fire mitigation efforts in partnership w/the Coalition of the Upper South Platt (CUSP)
- \$10,625 for parks, rec., and trails related capital improvements (e.g. parks and pool maintenance and operations)
- \$90,737 in ARPA stimulus funds for restroom improvements at Lake Park, and for the installation of a new restroom at Tennis Court Park/Pool Park near the new Fitness Court installation
- \$52,150 for the installation of infrastructure (e.g. trash cans at the trail heads, parks required backflow meters, etc.)

In summary, the Board of Trustees continues to address the Town’s financial needs in a prudent and fiscally responsible manner, while investing in the Town’s infrastructure. Trustee assistance and guidance in preparation of this document is appreciated.

Town Staff is to be commended for the professionalism they displayed throughout the budget preparation process.

It has been a pleasure working with the citizens, The Board of Trustees, and Town Staff in the Town of Green Mountain Falls.

Respectfully Submitted,

Angie Sprang
Town Manager

Town of Green Mountain Falls

GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	2020 Actual Audited	2021 Estimated	2021 Supplemental Budget	2022 Budget
REVENUE				
<u>Intergovernmental Revenue</u>				
Grants- State	\$ 157,493	\$ 25,000	\$ 26,970	\$ 25,000
HUTF	\$ 26,683	\$ 30,000	\$ 30,000	\$ 31,110
Motor Vehicle Fees- El Paso County	\$ 2,487	\$ 2,500	\$ 2,500	\$ 2,600
Motor Vehicle Fees- Teller County	\$ 105	\$ 200	\$ 200	\$ 210
CDOT Transportation Stimulus - Public Works Operations	\$ -	\$ -	\$ 92,419	\$ -
Managed Parking	\$ -	\$ -	\$ 6,377	\$ 20,000
Reimbursements- PPRTA	\$ 23,903	\$ 40,689	\$ 78,682	\$ 99,806
Road and Bridge- El Paso County	\$ 1,439	\$ 1,300	\$ 1,300	\$ 1,350
Road and Bridge- Teller County	\$ 264	\$ 150	\$ 150	\$ 155
Severance/Mineral Lease	\$ 941	\$ 1,400	\$ 1,820	\$ 1,820
Planning Code Rewrite	\$ -	\$ 45,000	\$ 45,000	\$ 45,000
Parking and Signage Plan	\$ -	\$ 30,000	\$ 30,000	\$ 30,000
Total Intergovernmental Revenue	\$ 213,315	\$ 176,239	\$ 315,418	\$ 257,051
<u>Taxes</u>				
Auto Use Tax- El Paso County	\$ 33,238	\$ 32,000	\$ 32,000	\$ 33,185
Auto Use Tax- Teller County	\$ 3,520	\$ 2,500	\$ 2,500	\$ 2,600
Franchise- Cable	\$ 7,926	\$ 10,900	\$ 10,900	\$ 11,303
Franchise- Electric	\$ 20,713	\$ 21,000	\$ 21,000	\$ 21,777
Franchise- Gas	\$ 12,945	\$ 11,000	\$ 11,000	\$ 11,400
Franchise- Telephone	\$ 5,756	\$ 4,200	\$ 4,200	\$ 4,305
GMF Sales Tax (3%)	\$ 213,660	\$ 150,000	\$ 150,000	\$ 200,000
PPRBD Construction Use Tax	\$ 8,495	\$ 17,000	\$ 17,000	\$ 17,700
Property Tax- El Paso County	\$ 171,978	\$ 169,684	\$ 169,684	\$ 199,855
Property Tax- Teller County	\$ 10,715	\$ 10,725	\$ 10,725	\$ 12,357
Short Term Rental Occupancy Tax	\$ 26,478	\$ 20,000	\$ 20,000	\$ 28,000
Specific Ownership- El Paso County	\$ 18,444	\$ 17,600	\$ 17,600	\$ 18,250
Specific Ownership- Teller County	\$ 1,144	\$ 850	\$ 850	\$ 850
Tobacco Tax	\$ 504	\$ 400	\$ 400	\$ 400
Total Taxes Revenue - 468680	\$ 535,516	\$ 467,859	\$ 467,859	\$ 561,982
<u>Fee Revenue</u>				
Court- Traffic	\$ 415	\$ 350	\$ 350	\$ 350
Court- Non Traffic Offenses	\$ 18	\$ 200	\$ 200	\$ 200
Animal Licenses	\$ 600	\$ 1,000	\$ 1,000	\$ 1,000
Business Licenses	\$ 7,026	\$ 5,000	\$ 5,000	\$ 5,000
Land Use- Administrative Review	\$ 5,078	\$ 5,000	\$ 5,000	\$ 5,000
Land Use- Subdivisions	\$ 100	\$ 2,450	\$ 2,450	\$ 2,450
Land Use- Zoning and Architectural Review	\$ 4,107	\$ 8,075	\$ 8,072	\$ 8,075
Liquor Licenses	\$ -	\$ 500	\$ 500	\$ 1,200
Short Term Rental Licenses	\$ 7,360	\$ 11,500	\$ 11,500	\$ 11,500
Special Event Permits	\$ 2,422	\$ 3,000	\$ 3,000	\$ 3,000
Special Use Permits	\$ 6,025	\$ 6,000	\$ 6,000	\$ 6,000
Road Cut Permit	\$ -	\$ -	\$ -	\$ -
Gazebo- Rentals	\$ 3,900	\$ 7,000	\$ 2,000	\$ 2,000
Pool- Admissions & Passes	\$ -	\$ 5,000	\$ -	\$ 5,000
Special Events- Traffic Control Fees	\$ 200	\$ 400	\$ 400	\$ 400
VIN Checks	\$ -	\$ 75	\$ 75	\$ 75
Interest	\$ 1,292	\$ 1,000	\$ 1,000	\$ 1,000
Marshal's Department	\$ -	\$ -	\$ -	\$ -
Miscellaneous Revenue	\$ 2,402	\$ -	\$ -	\$ -
Total Fee Revenue	\$ 40,945	\$ 56,550	\$ 46,547	\$ 52,250
<u>Other Revenue</u>				
GMF Promotional Merchandise	\$ -	\$ 30	\$ 30	\$ 20
Total Other Revenue	\$ -	\$ 30	\$ 30	\$ 20
Total General Fund Revenue	\$ 789,776	\$ 700,678	\$ 829,854	\$ 871,303
EXPENDITURES				
<u>Administration Department</u>				
<u>Salaries and Benefits</u>				
Labor- Full Time	\$ 105,853	\$ 123,023	\$ 123,023	\$ 150,000
Labor- Part Time	\$ 36,823	\$ 41,801	\$ 44,893	\$ 29,491
Labor- Health Insurance	\$ 15,787	\$ 25,667	\$ 25,667	\$ 22,584
Labor- Employee Share Health Insurance	\$ 45	\$ 100	\$ 100	\$ 100
Labor- FICA	\$ 10,965	\$ 12,846	\$ 12,846	\$ 12,846

Town of Green Mountain Falls

GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	2020 Actual Audited	2021 Estimated	2021 Supplemental Budget	2022 Budget
Labor- State Unemployment Insurance	\$ 176	\$ 300	\$ 300	\$ 300
Labor- Workman's Comp	\$ 479	\$ 500	\$ 500	\$ 500
Labor- Retirement	\$ -	\$ 1,803	\$ 1,803	\$ 8,820
Labor- Cell Phone Stipend	\$ -	\$ 720	\$ 720	\$ 720
Total Salaries and Benefits	\$ 170,128	\$ 206,760	\$ 209,852	\$ 225,361

Operations

Insurance- Surety Bond	\$ 200	\$ 200	\$ 200	\$ 415
Maintenance- Building	\$ 1,187	\$ 1,000	\$ 1,000	\$ 1,000
Publications- Code	\$ 300	\$ 3,000	\$ 3,000	\$ 400
Publications- Legal Notices	\$ 1,200	\$ 600	\$ 600	\$ 600
Supplies- Office	\$ 5,426	\$ 2,500	\$ 2,500	\$ 2,500
Training- Professional Development, Per Diem	\$ 3,791	\$ 5,000	\$ 5,000	\$ 5,000
CARES Act Expenses	\$ 39,634	\$ -	\$ -	\$ -
Utilities- Electric	\$ 1,631	\$ 1,400	\$ 1,400	\$ 1,400
Utilities- Natural Gas	\$ 311	\$ 1,400	\$ 1,400	\$ 1,400
Utilities- Telephone/ Internet	\$ 3,001	\$ 2,500	\$ 2,500	\$ 2,500
Total Operations	\$ 56,681	\$ 17,600	\$ 17,600	\$ 15,215
Total Administration Department Expenditures	\$ 226,809	\$ 224,360	\$ 227,452	\$ 240,576

Interdepartmental Expenditures

Professional Services

Services- Audit	\$ 5,500	\$ 6,250	\$ 6,250	\$ 6,250
Services- IT	\$ 3,208	\$ 3,500	\$ 3,500	\$ 3,500
Services- Marketing	\$ 794	\$ 2,500	\$ -	\$ 1,000
Services- Professional	\$ 14,112	\$ 10,000	\$ 20,000	\$ 20,000
Services- Town Attorney	\$ 28,673	\$ 43,109	\$ 43,109	\$ 20,000
Total Professional Services	\$ 52,287	\$ 65,359	\$ 72,859	\$ 50,750

Operations

Election	\$ 27	\$ -	\$ -	\$ 6,000
Fees- Annual Dues, Licenses, Memberships	\$ 2,438	\$ 1,500	\$ 1,700	\$ 1,700
Fees- Banking Charges	\$ 401	\$ 500	\$ 500	\$ 500
Fees- Payroll Processing	\$ 608	\$ 1,000	\$ 1,000	\$ 1,000
Fees- Software	\$ 11,992	\$ 10,500	\$ 10,500	\$ 10,500
Fees- Tax Collection	\$ 2,836	\$ 2,800	\$ 2,800	\$ 2,800
Insurance- Property/ Casualty Liability Premiums	\$ 30,292	\$ 21,233	\$ 21,233	\$ 22,495
Insurance- Workman's Comp- Board Members	\$ 21	\$ 150	\$ 150	\$ 150
Miscellaneous Expense	\$ -	\$ 13,830	\$ -	\$ 15,000
Transfers- Capital Improvement	\$ -	\$ -	\$ -	\$ -
Total Operations	\$ 48,615	\$ 51,513	\$ 37,883	\$ 60,145
Total Interdepartmental Expenditures	\$ 100,902	\$ 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	\$ 50,300	\$ 62,825	\$ 62,825	\$ 66,623
Labor - Part Time	\$ -	\$ 21,760	\$ 21,760	\$ 21,760
Labor- Health Insurance	\$ 11,110	\$ 12,789	\$ 11,122	\$ 11,292
Labor- Employee Share Health Insurance	\$ 718	\$ 1,000	\$ 1,000	\$ 1,000
Labor- FICA	\$ 3,848	\$ 4,806	\$ 4,806	\$ 4,806
Labor- State Unemployment Insurance	\$ 74	\$ 100	\$ 100	\$ 100
Labor- Workman's Comp	\$ 1,367	\$ 1,500	\$ 1,500	\$ 1,500
Labor-Retirement	\$ -	\$ -	\$ -	\$ 14,156
Labor- Cell Phone Stipend	\$ -	\$ -	\$ -	\$ -
Total Salaries and Benefits	\$ 67,417	\$ 104,780	\$ 103,113	\$ 121,237

Operations

Fees- Annual Dues, Licenses, Memberships	\$ 105	\$ 2,000	\$ 2,000	\$ 2,000
Insurance- Surety Bond	\$ 100	\$ 200	\$ 200	\$ 200
Maintenance- Vehicle	\$ 1,553	\$ 4,250	\$ 4,250	\$ 4,250
Supplies- Ammunition	\$ 255	\$ 500	\$ 500	\$ 500

Town of Green Mountain Falls

GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	2020 Actual Audited	2021 Estimated	2021 Supplemental Budget	2022 Budget
Supplies- Clothing	\$ -	\$ 1,000	\$ 1,000	\$ 1,000
Supplies- Fuel	\$ -	\$ 2,000	\$ 2,000	\$ 2,000
Supplies- Office	\$ -	\$ 700	\$ 700	\$ 700
Supplies- Operational	\$ 15	\$ 4,000	\$ 4,000	\$ 4,000
Training- Certifications	\$ -	\$ 400	\$ 400	\$ 400
Training- Professional Development, Per Diem	\$ -	\$ 2,000	\$ 2,000	\$ 2,000
Utilities- Electric	\$ 420	\$ 400	\$ 400	\$ 400
Utilities- Natural Gas	\$ 259	\$ 900	\$ 900	\$ 900
Utilities- Telephone/Internet	\$ 959	\$ 360	\$ 360	\$ 360
Total Operations	\$ 3,666	\$ 18,710	\$ 18,710	\$ 18,710
Total Public Safety Department Expenditures	\$ 71,083	\$ 123,490	\$ 121,823	\$ 139,947

Parks and Recreation Department

Parks Operations

Part time employee/Contractor for Grounds Maintenance	\$ -	\$ 9,768	\$ -	\$ 13,350
Services - Non-Professional (Labor)	\$ -	\$ -	\$ 1,440	\$ -
Maintenance- Grounds	\$ 11	\$ 1,000	\$ 1,414	\$ -
Services- Wildlife Mitigation	\$ 111	\$ 1,000	\$ -	\$ -
Supplies Operational	\$ 201	\$ 700	\$ 50	\$ -
Utilities- Electric- Fountain	\$ 4,142	\$ 2,000	\$ 1,605	\$ 2,000
Utilities- Electric- Gazebo	\$ 1,166	\$ 1,000	\$ 479	\$ 1,000
Total Parks Operations	\$ 5,631	\$ 15,468	\$ 4,988	\$ 16,350

Pool

Pool Contractor	\$ -	\$ -	\$ -	\$ 20,532
Labor- Part Time	\$ -	\$ 12,000	\$ -	\$ -
Labor- FICA	\$ -	\$ 850	\$ -	\$ -
Labor- State Unemployment Insurance	\$ -	\$ 100	\$ -	\$ -
Labor- Hiring/New Employee Expenses	\$ -	\$ 280	\$ -	\$ -
Maintenance- Building	\$ -	\$ -	\$ 552	\$ -
Services- Inspections	\$ -	\$ 130	\$ -	\$ 130
Food	\$ -	\$ -	\$ -	\$ -
Supplies- Office	\$ -	\$ 50	\$ -	\$ 600
Supplies- Operational	\$ -	\$ 300	\$ 334	\$ -
Supplies- Pool Start Up Funds	\$ -	\$ 120	\$ 788	\$ 120
Utilities- Electric	\$ 305	\$ 900	\$ 128	\$ 900
Utilities- Natural Gas	\$ -	\$ 630	\$ -	\$ 630
Utilities- Telephone/Internet	\$ -	\$ 210	\$ 300	\$ 1,290
Utilities- Water	\$ -	\$ 900	\$ 573	\$ 900
Total Pool	\$ 305	\$ 16,470	\$ 2,675	\$ 25,102
Total Parks and Recreation Department Expenditures	\$ 5,936	\$ 31,938	\$ 2,675	\$ 41,452

Public Works Department

Salaries and Benefits

Labor- Full Time	\$ 37,865	\$ 96,316	\$ 86,940	\$ 122,886
Labor- Part Time	\$ 27,186	\$ 1,310	\$ 1,310	\$ -
Labor- Health Insurance	\$ 11,875	\$ 15,435	\$ 23,808	\$ 32,880
Labor- FICA	\$ 5,104	\$ 7,468	\$ 7,468	\$ 7,468
Labor- Overtime	\$ 1,668	\$ 5,000	\$ 5,000	\$ 2,500
Labor- State Unemployment Insurance	\$ 160	\$ 200	\$ 200	\$ 200
Labor- Workman's Comp	\$ 2,875	\$ 3,650	\$ 3,650	\$ 200
Labor-Retirement	\$ -	\$ -	\$ -	\$ 10,884
Labor- Cell Phone Stipend	\$ -	\$ -	\$ -	\$ -
Total Salaries and Benefits	\$ 86,733	\$ 129,379	\$ 128,376	\$ 177,018

Operations

Equipment- Rental	\$ 100	\$ -	\$ -	\$ -
Equipment- Repair and Service	\$ 2,248	\$ 12,500	\$ 12,500	\$ 12,500
Maintenance- Building	\$ 12,363	\$ -	\$ -	\$ -
Maintenance- Roads	\$ 27,901	\$ 40,689	\$ 78,682	\$ 99,806
Maintenance- Vehicle	\$ 1,990	\$ 4,000	\$ 4,000	\$ 4,000
Supplies- Fuel	\$ 6,031	\$ 6,300	\$ 6,300	\$ 6,300
Supplies- Office	\$ 267	\$ 300	\$ 300	\$ 300
Supplies- Operational	\$ 1,942	\$ 1,600	\$ 1,600	\$ 1,600
Supplies- Clothing	\$ 57	\$ -	\$ -	\$ -
Tools	\$ 316	\$ 250	\$ 250	\$ 250
Training- Certifications	\$ -	\$ -	\$ -	\$ -
Training- Professional Development, Per Diem	\$ -	\$ -	\$ -	\$ -
Recovery	\$ -	\$ -	\$ -	\$ -

Town of Green Mountain Falls

GENERAL FUND

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	2020 Actual Audited	2021 Estimated	2021 Supplemental Budget	2022 Budget
Utilities- Electric	\$ 2,160	3,000	\$ 3,000	\$ 3,000
Utilities- Natural Gas	\$ 555	900	\$ 900	\$ 900
Utilities- Telephone/Internet	\$ 234	1,500	\$ 1,500	\$ 1,500
Utilities- Trash	\$ 1,207	1,100	\$ 1,100	\$ 1,100
Utilities- Electric- Street Lights	\$ 7,526	-	\$ 4,144	\$ 4,144
Total Operations	\$ 64,897	\$ 72,139	\$ 114,276	\$ 135,400
Total Public Works Department Expenditures	\$ 151,630	\$ 201,518	\$ 242,652	\$ 312,418
Total Expenditures	\$ 556,360	\$ 700,678	\$ 707,844	\$ 847,788
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ 233,416	\$ -	\$ 122,010	\$ 23,515
OTHER FINANCING SOURCES (USES)				
Transfer to Capital Improvement Fund	\$ (96,000)	\$ (96,000)	\$ (96,000)	\$ (15,000)
Total Other Financing Sources (Uses)	\$ (96,000)	\$ (96,000)	\$ (96,000)	\$ (15,000)
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ 137,416	\$ (96,000)	\$ 26,010	\$ 8,515
FUND BALANCE - BEGINNING	\$ 423,572	\$ 423,572	\$ 423,572	\$ 449,582
FUND BALANCE - ENDING	\$ 560,988	\$ 327,572	\$ 449,582	\$ 458,097

Town of Green Mountain Falls

CAPITAL IMPROVEMENT FUND DETAIL

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	2020 Actual Audited	2021 Estimated	2021 Supplemental Budget	Proposed 2022 Budget
REVENUE				
<u>Intergovernmental Revenue</u>				
Capital- ARPA Stimulus	\$ -	\$ -	\$ 90,737	\$ 181,474
Capital- Trail Donation Fund	\$ -	\$ -	\$ -	\$ 500
Capital- Block Grants- El Paso County	\$ -	\$ -	\$ -	\$ 150,000
Capital- Pikes Peak Rural Transportation Authority	\$ -	\$ 151,737	\$ 243,290	\$ 326,046
Capital- State Grants- Dept of Natural Resources	\$ -	\$ -	\$ -	\$ -
Capital- State Grants- DOLA 2 (Flood Recovery)	\$ 41,772	\$ 84,392	\$ 84,392	\$ -
Capital- State Grants- DOLA 3 (Planning Code Re-Write)	\$ -	\$ 25,000	\$ 25,000	\$ 25,000
Capital-State Grants-DOLA 4 (Comprehensive Roads Plan)	\$ -	\$ -	\$ -	\$ 104,300
Capital-Kirkpatrick Family Fund (Planning Code Re-Write)	\$ -	\$ 45,000	\$ 45,000	\$ 45,000
Capital-Kirkpatrick Family Fund (Comprehensive Signage & Parking)	\$ -	\$ 30,000	\$ 30,000	\$ 30,000
Capital-Kirkpatrick Family Fund (Fitness Court)	\$ -	\$ -	\$ 220,000	\$ 33,175
Total Intergovernmental Revenue	\$ 41,772	\$ 336,129	\$ 738,419	\$ 895,495
<u>Other Revenue</u>				
Capital- Bank Interest	\$ -	\$ 2,100	\$ 2,100	\$ 2,100
*Capital- Donations- Monies	\$ -	\$ -	\$ -	\$ -
Total Other Revenue	\$ -	\$ 2,100	\$ 2,100	\$ 2,100
Total Revenue	\$ 41,772	\$ 338,229	\$ 740,519	\$ 897,595
EXPENDITURES				
<u>Capital Outlay (from General Fund)</u>				
<u>Capital Outlay</u>				
Capital- Administrative Infrastructure (Planning Code Re-write)	\$ 25,515	\$ 70,000	\$ 70,000	\$ 75,000
Capital- Fire Mitigation	\$ -	\$ 22,254	\$ 22,254	\$ 15,000
Capital- Repairs/Improvements- Parks	\$ 12,370	\$ 8,500	\$ 228,500	\$ 43,800
Capital-CDBG Grant "Access for All" Lake Park Improvements	\$ -	\$ -	\$ -	\$ 150,000
Capital-DOLA Comprehensive Roads Plan				\$ 104,300
Capital- Repairs- Roads and Infrastructure	\$ 124,297	\$ -	\$ -	\$ -
Belvidere Widening/ Overlay	\$ -	\$ -	\$ -	\$ -
Maple St Bridge	\$ -	\$ 42,196	\$ 42,196	\$ -
Midland Culvert	\$ -	\$ 42,196	\$ 42,196	\$ -
Stilling Basins	\$ -	\$ 151,306	\$ 243,290	\$ 326,046
Comprehensice Signage and Parking Project	\$ -	\$ 30,000	\$ 30,000	\$ 30,000
ARPA Infrastructure Improvements - TBD	\$ -	\$ -	\$ -	\$ 90,737
ARPA Infrastructure Improvements - Lake Park & Pool Park Restrooms	\$ -	\$ -	\$ -	\$ 90,737
Total Expenditures	\$ 162,182	\$ 366,452	\$ 678,436	\$ 925,620
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	\$ (120,410)	\$ (28,223)	\$ 62,083	\$ (28,025)
<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)	\$ (15,910)	\$ 76,277	\$ 166,583	\$ (28,025)
FUND BALANCE - BEGINNING	\$ 69,833	\$ 69,833	\$ 69,833	\$ 53,923
FUND BALANCE - ENDING	\$ 53,923	\$ 146,110	\$ 236,416	\$ 25,898

Town of Green Mountain Falls

CONSERVATION TRUST FUND DETAIL

Budget Status Report - GAAP Basis

Proposed 2022 Budget

Unaudited

	2020 Actual Audited	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

BOARD OF TRUSTEES AGENDA MEMO

DATE: 12.07.2021	AGENDA NO 8	SUBJECT: Consideration of Resolution 2021-12, A Resolution Adopting the Town of Green Mountain Falls 2022 Fee Schedule
Prepared by: Angie Sprang, Town Manager		

Background:

Annually, along with the adoption of the coming fiscal year budget, the Town Board of Trustees reviews a proposed fee schedule and adopts a final fee schedule for the coming fiscal year.

Discussion:

Before the Board of Trustees for their consideration this evening is Resolution 2021-12, A Resolution Adopting the Town of Green Mountain Falls 2022 Fee Schedule. Attached is the proposed 2022 fee schedule. The following changes were made:

- Comprehensive Plan & Municipal Code Book printing services were changed from “cost” to “\$0.50/page” – this was the only substantive
- The word “form” was added to “See Open Records Request Form”
- “Building – Architectural Plan and Review” AND “Architectural Plan and Review” duplicated lines were deleted to avoid confusion
- “Engineering Review” was format changed to for consistency

Recommended Action:

Motion to approve Resolution 2021-12, A Resolution Adopting the Town of Green Mountain Falls 2022 Fee Schedule.

Recommended Motion:

I move to approve Resolution 2021-12, A Resolution Adopting the Town of Green Mountain Falls 2022 Fee Schedule.

Respectfully Submitted,
Angie Sprang

RESOLUTION 2021-12

A RESOLUTION ADOPTING THE TOWN OF GREEN MOUNTAIN FALLS 2022 MUNICIPAL FEE SCHEDULE

WHEREAS, the Board of Trustees of the Town of Green Mountain Falls, Colorado, pursuant to Colorado statute and the Town of Green Mountain Falls Municipal Code, is vested with the authority of administering the affairs of the Town of Green Mountain Falls, Colorado; and

WHEREAS, it is a best practice to compressively review and authorize a fee schedule for all Town services at least annually, or as appropriate; and

WHEREAS, fees should reflect actual costs for providing services, and these costs may change outside of a regular basis;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO, THAT:

Section 1.

The Appendix to this Resolution titled "Town of Green Mountain Falls 2022 Fee Schedule" containing the detailed fee schedule is in its entirety incorporated as fully as if set out at length herein, and shall become effective immediately upon adoption of this Resolution, and shall remain effective until altered by further Resolution of the Board of Trustees.

Section 2.

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

Section 3.

Repeal. Existing Resolutions or parts of Resolutions covering the same matters embraced in this Resolution are hereby repealed and all Resolutions or parts of Resolutions inconsistent with the provisions of this Resolution are hereby repealed, except that this repeal shall not apply to any fee provisions contained in the Code of Ordinances.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the board of trustees of the Town Of Green Mountain Falls on this 7th day of December 2021.

TOWN OF GREEN MOUNTAIN FALLS, COLORADO

Jane Newberry, Mayor

ATTEST:

	Town of Green Mountain Falls 2022 Fee Schedule	
Code Authority	Description	Fees
	Publications, Hard Copy	Publications, Hard Copy
1-50	Comprehensive Plan	\$0.50/page
1-50	Municipal Code Book	\$0.50/page
1-50	Zoning Code section of Code Book	\$0.50/page
	Administrative	Administrative
state law	Notary Public services	\$5.00/document
state law	Open Records Fees	See Open Records Request Form
	Law enforcement fees	Law enforcement fees
	Personal service of documents	\$50.00
	Court fees:	
8-9(e)	Court costs	\$30.00 per appearance
2-138	Subpoena issue fee	\$30.00
8-9(e)	Surcharge	\$25.00 per offense
	License fees	
6-6	Business license	\$75.00
10-294	Fireworks sales license	\$100.00
6-53	Liquor Licenses	see State fee schedule
Ord. 2018-02	Mobile Food Vendor license	\$50.00
6-103	Peddler and solicitor	\$50.00
6-122	Restaurant fee	\$200.00
	Animals	
7-132	Dog license fee	\$25.00
7-135	Dog license - Duplicate	\$10.00
7-142	Dog redemption fee	\$15.00
7-164	Horse permit	\$30.00
	Planning/Land Use Administrative	
11-114	Easement fee	\$50.00/year
11-41	Sidewalk/Curb permit	\$125.00
11-71	Address number fee	\$100.00
	Annexation fee	\$750 + Legal Retainer + \$50/acre for 1-5 acres; + \$25/each acre over 5
15		
18-61	Revocable Permit - Initial Permit	\$400.00/year
18-64	Revocable Permit - Relicense/Renewal Fee	\$200.00/year
18-65	Late Fee for Revocable Permit	\$50.00/year
	Zoning and Architectural Review	

16-601, 16-705	Building - Architectural Plan and Review < 200 sq ft	\$125.00
16-601, 16-705	Building - Architectural Plan and Review > 200 sq ft	\$250.00
16-705	Building - Deck	\$125.00
16-706	Sign permits	\$100.00
16-707(c)	Building - Fence permit	\$100.00
16-709	Variance - Subdivision	\$500.00
16-709	Variance - Zoning	\$500.00
16-711	Special Use Permit	\$350.00
16-711	Zoning Amendment	\$500.00
16-713	Planned Use Development (0-1 acre)	\$1000 + \$75 (1+ to 5 acres) + \$25 per acre (over 5 acres)
16-714	Waiver - Hillside Overlay	\$100.00
16-813	Development in Flood Hazard Zone	\$200.00/lot
	Subdivisions	
17-22	Plat Review - Preliminary	\$400.00 + \$50.00/lot
17-23	Plat Review - Final Plat	\$450.00 + \$50.00/lot
17-83	Grading Permit	\$100.00
17-83, 17-96	Grading Permit < 300 sq ft or 50 yd ³	\$250 + engineer review
17-92	Engineering Review	\$150 + engineer review
17-101	Road Cut/Driveway - Gravel	\$200 + engineer review
17-101	Road Cut/Driveway - Paved	\$300 + engineer review
17-131	Plat Review - Vacation by Plat	\$500.00
17-133	Plat Review - Minor Subdivision	\$500.00 + \$50.00/lot
17-136	Vacation - Road Right of Way	\$500.00
17-135	Vacation - Lot Line With Easement	\$200.00 + Attorney passthrough
17-135	Vacation - Lot Line without Easement	\$200 + Legal Review Pass- through cost
	Short Term Rental	
6-155	Initial License	\$500.00
6-156	Renewal	\$250.00
6-156	STR Paper Processing	\$50.00
6-156	Lodging Tax Remit Late Fee	15%
6-156	Admin Processing Fee	\$20.00
	Facilities Use	
11-95	Gazebo Rental Permit	\$100.00/hr (2 hr minimum) plus hourly increments thereafter
18-74(12)	Special Event Fee for use of public property or rights of way	\$500.00/day or \$150.00/hour (2 hr minimum) + \$100.00 deposit

18-74(12)	Traffic control fee (Accounts for the placement of barricades only; applicant is responsible for preparing traffic control plan and is responsible for supporting personnel costs)	\$100.00/hr (2 hour minimum)
	**See separate schedule for pool pricing	



TOWN OF GREEN MOUNTAIN FALLS

POLICY REGARDING ACCESS TO PUBLIC RECORDS

Effective Date: Revised August 26, 2018

Administrative Authority: Adopted by the Town Clerk pursuant to C.R.S. 24-72-203(1)(a)

Scope: All records within the Town of Green Mountain Falls, except that this policy shall not apply to criminal justice records (as defined in C.R.S. 24-72-302).

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 et. seq. This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6)(a) defines public record as “all writings made, maintained, or kept... by any local government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but do not include computer software.”

C.R.S. 24-72-203(1)(a) allows the official custodian of public records (Town Clerk) to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of the Town of Green Mountain Falls to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the Town Clerk, who is the Records Custodian. The Town Clerk may designate other staff to receive requests on behalf of the Town Clerk. In the case of a request made in person, the custodian shall either provide the records to the requestor if the records are immediately available, or shall provide a response in writing within three (3) working days letting the requestor know the date, time, and location where the records can be inspected, along with an estimate of the fees. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

Open Records requests are to be in writing. The requestor may use the form provided by the Town Clerk, or submit the request without the form, but including the equivalent information.

If a record contains both public and confidential material, the Town is not required to redact confidential material in order to comply with a request for the record. However, the Town Clerk may agree to provide redacted records if the requestor pays the redaction fee as shown on the schedule below.

Requests for routine copies of non-restricted, readily available documents (e.g. minutes, agendas, ordinances, resolutions, etc.) Shall not be considered an open records request, and shall not be required to be submitted in writing. However, applicable fees will still apply.

Electronic records and electronic communications: Records stored on electronic (non-paper) media are considered public records and open to disclosure. After receiving a written request for records stored in an electronic format, the custodian will notify the requestor of the most effective means of making these records available. This may include providing portable electronic media (such as disks or drives), referring the requestor to the Town's web site or other public access device, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian. Data manipulation fees may apply.

If the records are stored in an electronic format which is "searchable and sortable", the record may be available in that native format as described in CRS 24-72-203(3.5)(a) unless that format does not accommodate redaction of confidential records as described in CRS 24-72-203(3.5)(b).

Please note that open records requests may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 and the policy of the Town.

Fees and charges: Fees apply to all record requests, including paper and electronic records. Requests must be accompanied by a non-refundable deposit equal to the estimated amount. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within 30 days.

The open records request shall be considered received only when the deposit has been paid.

Each standard page (8 ½" x 11") will be charged at 25 cents per page. Non-standard sizes or color products (if available) will be charged at the actual cost of production. In addition, the requestor must pay any research and retrieval fee associated with producing the record in accordance with the schedule below, and within the restriction of state law. The custodian will also charge a fee for any manipulation of data needed to generate a record in a form or format that does not already exist. This includes redaction if needed. This also includes converting a proprietary file format into a standard format. This fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same record shall be charged the same fee.

The custodian may charge a fee for providing copies of electronically stored public records, except as limited under state law. The Town will respond to requests for access to public records stored electronically and in computer software by providing, upon written request, a copy of the file on portable electronic media, reports from within specific software, or a hard copy printout. The records may be provided to the requestor electronically if practical. The fee will be based on research and recovery of the actual costs of providing the electronic services and products.

Data kept by the Town but generated by a third party shall be charged at actual cost paid to the third party, subject to additional fees below if applicable.

Fees and charges for reproduction of records shall be standard throughout the Town for similar items. The Town Clerk has the authority to waive such fees and charges when it is deemed in the best interest of the Town to do so.

TOWN OF GREEN MOUNTAIN FALLS PUBLIC RECORDS STANDARD FEES AND CHARGES

Photocopies or printouts	8 ½" x 11" black/white, \$0.25 per page Other sizes and color may be charged at actual cost, and will be provided by a third party service
FAX documents	\$0.25 per page plus applicable actual long distance charges
Document certification	\$5.00 per document (in addition to the per page copy charge)
Portable media	Actual cost of media plus research/retrieval time. NOTE: The Town does not have the technology available to provide excerpts of audio or video files.
Publications produced by the Town of Green Mountain Falls	Price varies, will be established based on actual production cost.
Transcriptions prepared by third party transcribers	Actual cost incurred.

Research, Retrieval and Data Manipulation Fees

There is no charge for the first hour.	\$30.00/hr. beginning with the second hour
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The Town does not charge for:

1. Requests from members of the Town Board or Planning Commission when the information requested is for the purpose of Town business.
2. Requests from Town Board candidates from the time of official candidacy through Election Day. Records provided to any candidate will be distributed to all candidates.
3. Requests from other federal, state, or local government entities or governmental professional associations.

Denial of inspection: Access to records may be denied in accordance with the provisions of federal or state law. Reasons for denial of access to records will be noted in writing on the public records request form and provided to the requestor.

Retention schedules: All public records, regardless of storage format, will be administered in accordance with approved retention schedules. The Town of Green Mountain Falls has adopted the Municipal Records Retention Schedule as approved and updated by Colorado State Archives. This schedule is available at <http://www.colorado.gov/dpa/doit/archives/rm/municipalrmm/>

**TOWN OF GREEN MOUNTAIN FALLS
PUBLIC RECORDS REQUEST**

PLEASE PRINT

Name: _____ Date of Request: _____

Address: _____

Town: _____ State: _____ Zip: _____

Phone: Day _____ Evening _____

Email: _____

INSTRUCTIONS

Indicate the records requested. Please be as specific as possible. Allow three (3) working days after submitting this form and the deposit for a search of the records. Per the State of Colorado Open Records Act C.R.S. 24-72-203(3)(b), the three day time may be extended up to an additional seven (7) working days if extenuating circumstances exist. You will be notified within three (3) days of any extension and all estimated costs.

Please select the format in which you would like to receive materials:

_____ View only, no copies requested.

Appropriate personnel will be scheduled to accompany you during viewing.

_____ Hard copies/printouts

_____ portable media*

_____ email*

_____ Any of the above methods. Records Custodian is authorized to determine the most cost-efficient method and notify me.

*Not all documents are stored electronically. The transmission method may be limited by size/type of electronic records. Data manipulation fees may apply.

Please select the method you prefer for notification when the records are available:

_____ U.S. First Class mail

_____ I will pick up the records.

_____ Contact me by (circle one) mail phone email

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For Staff Use Only

Received by: _____

Date/Time: _____

Estimated charges:

Hard Copy: _____ Copies @ 25 cents per page _____

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Research, retrieval, and data manipulation fees

This fee includes staff time needed for Research/Retrieval, Data Manipulation, or Redaction.

Total estimated hours: _____ If one hour or less there is no charge.

Beginning with the second hour: _____ hrs. @ \$30.00/hr. = \$ _____

Deposit required: \$ _____

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I agree to pay the charges incurred in processing this request pursuant to the schedule of fees and charges currently in place, including, if necessary, any amounts exceeding the estimates set forth above. This request will be considered received when this form is complete and the deposit is paid. If no deposit is required, the request shall be considered received upon receipt by the Records Custodian.

Signature of requestor

date and time of request

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Request completed by: _____ Date: _____

Method of delivery: _____

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Request denied by: _____ Date: _____

Reason(s) for denial:

BOARD OF TRUSTEES AGENDA MEMO

DATE: 12.07.2021	AGENDA NO 9	SUBJECT: Consideration of Ordinance 2021-06, An Ordinance of the Board of Trustees of the Town of Green Mountain Falls Repealing and Reenacting Chapters 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 15 of the Green Mountain Falls Municipal Code
Prepared by: Angie Sprang, Town Manager		

Background:

Upon completion of the 2019 Comprehensive Plan Update, a municipal code rewrite project was identified as a Board of Trustees priority. During the 2021 priority-based budgeting process the Board of Trustees allocated money from the Town's general fund to pay for this project. The Board of Trustees, Town Attorney, and Town Staff have been working together on this municipal code rewrite/revision project diligently during fiscal year 2021.

The former code served its purpose very well, and we would like to commend those who wrote it and the time and efforts they invested into its creation and updates. The last comprehensive update to the GMF municipal code was completed in the early 1990s. All municipal codes must be revised/rewritten from time to time. Over time, as laws change and our society and community evolve, so must our municipal code. The intention of this project was to provide a complete and comprehensive update to the Town of Green Mountain Falls Municipal Code, one that supports community goals as outlined in the 2019 Comprehensive Plan as well as Board priorities. The updated version presented here today will also need updates periodically and will inevitably need to be comprehensively updated again at some point in the future.

A quick note about a completely separate municipal code project coinciding with this project: On June 4th, 2020, the Town was awarded two generous grants to fund a separate Zoning and Land Use municipal code revision/rewrite project. One grant the Department of Local Affairs (DOLA) in the amount of \$25k, and another grant from the Kirkpatrick Family Fund in the amount of \$45k. This portion of the project is still in process. It is anticipated that the remaining chapters related to Zoning, Land Use, and the Building Municipal Code will be recommended to the Board of Trustees for final review and adoption during the first quarter of 2022.

Discussion:

Before the Board of Trustees for their consideration this evening is Ordinance 2021-13, An Ordinance of the Board of Trustees of the Town of Green Mountain Falls Repealing and Reenacting Chapters 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 15 of the Green Mountain Falls Municipal Code.

Historic versions of the code that are up for repeal this evening are [available via our website](#). Attached are the fully update chapters before the Board for adoption this evening.

Upon adoption, the code will be published by title as required by law in the local Courier newspaper. Thirty days later, the chapters of the code adopted this evening will be in full effect.

As a part of this project the Board of Trustees did complete the comprehensive update of Chapter 18 also; however, that is not before the Board for adoption this evening. It will be presented to the Board for adoption later along with the Zoning and Land Use code because of noticing requirements/dates.

Below is a chart including the old chapter numbers as they relate to the new chapter numbers. The chapters highlighted in green are the chapters in front of the Board this evening for adoption, and the chapters highlighted in blue will be before the Board for final adoption upon the completion of the Zoning and Land Use code, anticipated in during the first quarter of 2022.

Old Chapter	New Chapter
1 – General Provisions	1
2 – Administration and Personnel	2
4 – Revenue and Finance	3
5 – Franchises and Communication Systems	4
6 – Business Licenses and Regulations	5
7 – Health, Sanitation and Animals	6
8 – Vehicles and Traffic	8
10 – General Offenses	10
11 – Streets, Sidewalks and Public Property	7
15 - Annexation	11
16 - Zoning	
17 - Subdivisions	
18 – Building Regulations	18

Town Staff would like to thank the Board of Trustees for their thoughtful input throughout the municipal code rewrite process, and the Town Attorney for the many man hours invested. The completion of this project is a huge accomplishment, and without the combined team effort it would not have been possible.

Recommended Action:

Motion to approve Ordinance No. 2021-06, An Ordinance of the Board of Trustees of the Town of Green Mountain Falls Repealing and Reenacting Chapters 1, 2, 4, 5, 6, 7, 8, 10, 11, and 15 of the Green Mountain Falls Municipal Code.

Recommended Motion:

I move to approve Ordinance 2021-06, An Ordinance of the Board of Trustees of the Town of Green Mountain Falls Repealing and Reenacting Chapters 1, 2, 4, 5, 6, 7, 8, 10, 11, and 15 of the Green Mountain Falls Municipal Code.

Respectfully Submitted,
Angie Sprang

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS REPEALING AND REENACTING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, AND 15 OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE

WHEREAS, the Town desires to adopt edits to several chapters of the Town Municipal Code, which has not been comprehensively updated for several years; and

WHEREAS, the Board of Trustees finds that it is desirable and necessary that these chapters of the Municipal Code be repealed and reenacted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Chapters 1, 2, 8, and 10 of the Green Mountain Falls Municipal Code are hereby repealed in their entirety and reenacted in accordance with the attached **Exhibit A**.

Section 2. Chapter 4 of the Green Mountain Falls Municipal Code is hereby repealed in its entirety and reenacted as Chapter 3 in accordance with the attached **Exhibit A**.

Section 3. Chapter 5 of the Green Mountain Falls Municipal Code is hereby repealed in its entirety and reenacted as Chapter 4 in accordance with the attached **Exhibit A**.

Section 4. Chapter 6 of the Green Mountain Falls Municipal Code is hereby repealed in its entirety and reenacted as Chapter 5 in accordance with the attached **Exhibit A**.

Section 5. Chapter 7 of the Green Mountain Falls Municipal Code is hereby repealed in its entirety and reenacted as Chapter 6 in accordance with the attached **Exhibit A**.

Section 6. Chapter 11 of the Green Mountain Falls Municipal Code is hereby repealed in its entirety and reenacted as Chapter 7 in accordance with the attached **Exhibit A**.

Section 7. Chapter 15 of the Green Mountain Falls Municipal Code is hereby repealed in its entirety and reenacted as Chapter 11 in accordance with the attached **Exhibit A**.

Section 8. The provisions of this Ordinance shall not repeal the terms of the franchise granted to Comcast of Colorado/Pennsylvania/West Virginia, LLC via Ordinance No. 2, Series 2010. Neither shall the provisions of this Ordinance repeal the terms of the franchise granted to Colorado Springs Utilities via Ordinance No. 2, Series 2009.

Section 9. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 10. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 11. Effective Date. This Ordinance shall become effective 30 days after publication.

ADOPTED AND ORDERED PUBLISHED the 7th day of December, 2021, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819.

Jane Newberry, Mayor

ATTEST:

Town Clerk/Treasurer

Published in the Pike Peaks Courier on _____ 2021.

EXHIBIT A

CHAPTER 1 – General Provisions

ARTICLE I – Code

Sec. 1-1. – Adoption of Code.

The published code known as the *Green Mountain Falls Municipal Code*, of which one (1) copy is now on file in the office of the Town Clerk and may be inspected during regular business hours, is enacted, and adopted by reference as a primary code.

Sec. 1-2. – Code supersedes prior ordinances.

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

Sec. 1-3. – Repeal of ordinances not contained in Code.

All existing ordinances and portions of ordinances of a general and permanent nature adopted by the Board of Trustees are included herein. Any ordinances or portions of ordinances not included in this Code which are inconsistent with the provisions of this Code are specifically repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided.

Sec. 1-4. – Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-3 of this Code shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right, or obligation established prior to the time said ordinances and parts of ordinances were repealed.

Sec. 1-5. – Ordinances saved from repeal.

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

- (1) Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- (2) Naming or changing the names of specific streets and other public ways.
- (3) Establishing the grades of specific streets and other public ways.
- (4) Establishing the grades or lines of specific sidewalks.
- (5) Authorizing or relating to specific issuances of general obligation bonds.
- (6) Creating specific sewer and paving districts and other local improvement districts.
- (7) Authorizing the issuance of specific local improvement district bonds.

- (8) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (9) Annexing territory to or disconnecting territory from the Town.
- (10) Dedicating or accepting any specific plat or subdivision.
- (11) Calling or providing for a specific election.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (13) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (14) Authorizing a specific lease, sale, or purchase of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- (17) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (18) Setting rates, tolls and charges for any water, sewer, utility, or proprietary fee, unless otherwise specifically set forth in this Code.
- (19) Appropriating money.
- (20) Levying a temporary tax or fixing a temporary tax rate.
- (21) Relating to salaries or other employment conditions for Town officers and employees.
- (22) Amending the Official Zoning Map.

Sec. 1-6. – Changes in previously adopted ordinances.

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

Secs. 1-7—1-10. - Reserved.

ARTICLE II – Definitions, Usage, and Interpretation

Sec. 1-11. – Definitions.

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

- (1) *Board of Trustees* means the Board of Trustees of the Town of Green Mountain Falls.
- (2) *Code* means the *Green Mountain Falls Municipal Code*, as published and subsequently amended, unless the context requires otherwise.
- (3) *County* means El Paso County, Colorado and Teller County, Colorado, unless otherwise specified to mean only one of these counties.
- (4) *C.R.S.* means Colorado Revised Statutes, including all amendments thereto.
- (5) *Day* refers to the period of time between any midnight and the midnight following.
- (6) *Daytime* and *nighttime*. *Daytime* is the period of time between sunrise and sunset. *Nighttime* is the period of time between sunset and sunrise.
- (7) *In the Town* means and includes all territory over which the Town now has, or shall hereafter acquire, the jurisdiction for the exercise of its police powers or other regulatory powers.
- (8) *Law* denotes applicable federal law, the constitution and statutes of the State, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- (9) *Month* means a calendar month.
- (10) *Oath* shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *swear* and *sworn* shall be equivalent to the words *affirm* and *affirmed*.
- (11) *Ordinance* means a law of the Town; provided that a temporary or special law, administrative action, order, or directive may be in the form of a resolution.
- (12) *Owner*, when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
- (13) *Person* means a natural person, joint venture, joint stock company, partnership, association, club, company, firm, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer, or employee of any of them.
- (14) *Preceding* and *following* mean next before and next after, respectively.
- (15) *Property* shall include real, tangible, and intangible personal property.
- (16) *Public way* shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

- (17) *Real property* shall include lands, tenements, and hereditaments.
- (18) *Sidewalk* means the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.
- (19) *State* means the State of Colorado.
- (20) *Street* means and includes any public way, highway, street, avenue, boulevard, parkway, alley, or other public thoroughfare, and each of such words shall include all of them.
- (21) *Tenant* or *occupant*, applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- (22) *Town* means the Town of Green Mountain Falls, Colorado.
- (23) *Written* means any representation in words, letters, or figures, whether by printing or otherwise reproduced in permanent visible form.
- (24) *Year* shall mean a calendar year, unless otherwise expressed.

Sec. 1-12. – Usage of terms.

- (a) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning.
- (b) When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.
- (c) Any gender includes other genders.
- (d) When not inconsistent with the context, words in the plural number include the singular number, and words in the singular number include the plural number.
- (e) The terms *shall* and *must* are mandatory, and the term *may* is permissive.
- (f) Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

Sec. 1-13. – Computation of time.

Except as provided by applicable State law, in computing a period of days, the first day is excluded and the last day is included. However, if the last day of any period is a Saturday, Sunday or legal holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or legal holiday.

Secs. 1-14 – 1-20. – Reserved.

ARTICLE III – General

Sec. 1-21. – Titles and headings not part of ordinance.

The title of any section or subsection of this Code shall not be deemed to in any way restrict, qualify or limit the effect of the provisions set forth and contained in such section or subsection. Chapter and Article titles, headings and titles of sections and other divisions in the Code or in subsequent supplements may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the ordinances.

Sec. 1-22. – Repeal shall not revive any ordinance.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Sec. 1-23. – Publication of ordinances.

All ordinances, as soon as may be possible after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor or the Town Clerk. All ordinances of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be published in a newspaper of general circulation in the Town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health or safety, which shall be set forth in a separate section.

Sec. 1-24. – Copy of Code on file.

This Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law.

Sec. 1-25. – Severability.

The provisions of this Code are hereby declared to be severable, and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby.

Sec. 1-26. – Amendments.

Any additions or amendments to this Code shall be adopted as ordinances as required by state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be incorporated into this Code so that reference to it as *Green Mountain Falls Municipal Code* shall be understood as including such additions or amendments.

Sec. 1-27. – Certification of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code adopted by this ordinance to see that it is a true and correct copy of the Code. The copy of the Code as originally adopted or amended, certified and sealed shall constitute the permanent and general

ordinances of the Town and shall be so accepted by the courts of law, administrative tribunals and all others concerned.

Sec. 1-28. – Supplementation of Code.

(a) The Board of Trustees shall cause supplementation of the Code to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances passed by the Board of Trustees or adopted by initiative and referendum, and all amendments and changes in temporary and special ordinances or other measures included in the Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the Town Clerk to keep up to date the one (1) certified copy of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public.

Secs. 1-29 – 1-40. - Reserved.

ARTICLE IV – General Penalty

Sec. 1-41. – Violations.

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

Sec. 1-42. – General penalty, continuing violations.

Any person who shall violate or fail to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punishable 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, except as hereinafter provided in Section 1-43, and in addition, such person, shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

Sec. 1-43. – Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary 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. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

Sec. 1-44. – Penalty for violations of ordinances adopted after adoption of Code.

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-42 or 1-43, unless another penalty is specifically provided for the violation.

Sec. 1-45. – Prohibited acts.

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

Sec. 1-46. – Altering or tampering with Code; penalties for violation.

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who alters or tampers with the Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby shall, upon conviction thereof, be punishable as provided by Section 1-42.

Secs. 1-47—1-50. - Reserved.

ARTICLE V – Inspections

Sec. 1-51. – Entry.

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

Sec. 1-52. – Authority to enter premises under emergency.

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

Secs. 1-53—1-60. - Reserved.

ARTICLE VI - Seal

Sec. 1-61. – Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "Town of Green Mountain Falls, Colorado," is hereby established to be the Seal of the Town.

CHAPTER 2 - Administration and Personnel

ARTICLE I - Elections

Sec. 2-1. - Election procedure.

Each regular election shall be held on the first Tuesday in April in even-numbered years and all special elections called by the Board of Trustees for any purpose shall be in the manner prescribed by the Colorado Municipal Election Code, C.R.S. § 31-10-101, *et seq.*, as amended.

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

No write-in vote for any Town office shall be counted unless an affidavit of intent has been filed with the Town Clerk, by the person who desires the office and is qualified to assume the duties of that office if elected. The affidavit of intent shall be filed with the Town Clerk no later than sixty-four (64) days before the day of the election as set forth in C.R.S. § 31-10-306, as amended.

Secs. 2-3—2-10. - Reserved.

ARTICLE II - Mayor and Board of Trustees

Sec. 2-11. - Composition; eligibility and term of office; power.

(a) The corporate authority of the Town is by state law vested in a Board of Trustees, consisting of one (1) Mayor and four (4) Trustees. The Board of Trustees constitutes the legislative body of the Town, shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(b) Each Trustee shall be a qualified elector and resident of the Town who has resided in the Town for a period of at least twelve (12) consecutive months immediately preceding the election, and is otherwise eligible to hold municipal office pursuant to law. If any Trustee shall move from or become, during the term of their office, a nonresident of the Town, they shall be deemed thereby to have vacated their office, upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist.

(c) The Mayor is elected for a two-year term. At each regular election, two (2) Trustees shall be elected to serve four-year terms.

(d) No elected Mayor shall serve more than three (3) consecutive two-year terms in office.

(e) No elected Trustee shall serve more than two (2) consecutive four-year terms in office.

(f) The Board of Trustees may appoint such other officers as it deems necessary for the good government of the Town and may prescribe their duties and fix their compensation.

Sec. 2-12. - Mayor.

(a) The Mayor shall preside over the meeting of the Board of Trustees, and shall perform such duties as may be required by statute or ordinance.

- (b) The Mayor shall be the executive head of the Town. The Mayor shall be the presiding officer of the Board of Trustees and shall vote on all matters before the Board of Trustees.
- (c) The Mayor shall execute and authenticate by their signature such instruments as the Trustees or any statutes or ordinances shall require.
- (d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon such person.
- (e) In the absence of the Town Manager, the Mayor may assume any duty assigned to the Town Manager.

Sec. 2-13. - Mayor Pro Tem.

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees or during the Mayor's absence from the Town, or the Mayor's inability to act, shall perform the duties of Mayor.

Sec. 2-14. - Acting Mayor.

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

Sec. 2-15. - Removal of Trustee.

By a majority vote of all members of the Board of Trustees, any member of the Board of Trustees may be removed from office pursuant to the provisions and procedures provided by law.

Sec. 2-16. - Vacancies.

- (a) In case of death, resignation, or removal for cause of any of the Trustees during their term of office, the Board of Trustees, by a majority vote of all the members thereof, may select and appoint from among the duly qualified electors of the Town a suitable person to fill the vacancy, who shall hold the office until the next biennial Town election.
- (b) The Board of Trustees also has the power to fill a vacancy on the Board by ordering a special election, subject to the requirements of the Colorado Municipal Election Code, to fill the vacancy until the next regular election and until a successor has been elected and has complied with C.R.S. § 31-4-401.

Sec. 2-17. - Compensation.

There shall be no salary or compensation for elected officials of the Town.

Sec. 2-18. - Regular and special meetings.

- (a) Regular Meetings. All regular meetings of the Board of Trustees shall be held at Town Hall; 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado, or at such other places as determined by Board of Trustees. Regular meetings of the Board of Trustees shall be held

monthly on the first Tuesday of each month, commencing at 7:00 p.m., or at such other dates and times as determined by the Board of Trustees.

(b) Special Meetings. Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of Board of Trustees on at least twenty-four (24) hours written notice to each member of Board of Trustees; but a special meeting may be held on shorter notice if all members of Board of Trustees are present or have waived notice thereof in writing. No business shall be transacted at any special meeting of Board of Trustees unless the same has been stated in notice of such meeting.

Sec. 2-19. - Quorum.

No action shall be taken unless a quorum is present. A majority of the Board of Trustees shall constitute a quorum. The Mayor shall be considered a Trustee for purposes of determining a quorum.

Sec. 2-20. - Resolution or motion required; roll call vote.

Every subject coming before the Board of Trustees for its action shall be submitted by resolution or motion. The Town Clerk shall call the roll and the vote thereon shall be taken by ayes and nays or, at the option of the Mayor, a voice vote may be taken.

Sec. 2-21. - Adoption of ordinances.

(a) The procedure for passing emergency ordinances necessary for the preservation of public property, health, welfare, peace, or safety is as follows:

- (1) An emergency ordinance may be introduced at any regular or special meeting of the Board of Trustees by any member thereof.
- (2) The emergency ordinance shall be read in full.
- (3) If state law requires a public hearing prior to the adoption of any emergency ordinance, the Board shall set the matter for a public hearing.
- (4) An emergency ordinance shall become effective upon an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees.

(b) The procedure for passing all other ordinances is as follows:

- (1) An ordinance may be introduced at any regular meeting of the Board of Trustees by any member thereof.
- (2) After the reading of the ordinance, by title or in full, the Board shall allow public comment.
- (3) After hearing public comment, the ordinance may be approved with or without amendment or rejected by a vote of the Board.

- (4) If the ordinance is approved by a majority of the Board members present, it shall be published in accordance with State law and this Code and said ordinance shall become effective thirty (30) days after publication.

Sec. 2-22. - Committees.

Any question pending before the Board of Trustees may be referred to the appropriate committee, or to a special committee for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at the next meeting of the Board of Trustees.

Sec. 2-23. - Oath and bond.

All officers elected or appointed in any capacity shall take an oath to support the Constitution of the United States and the Constitution of the State. The Board of Trustees may provide that the payment of premiums on surety bonds of any officer of the Town shall be made by the Town Treasurer from funds so designated by the Board of Trustees.

Sec. 2-24. - Work sessions.

- (a) Work Session Board of Trustees Meetings - The Board of Trustees may meet informally on the third Tuesday of each month, or at other times upon call of the Mayor or at the request of three members of the Board of Trustees to discuss matters pending or proposed.
- (b) The Town Manager or Clerk shall prepare the agenda, after consultation with the Mayor, for work sessions. All matters to appear on the agenda shall be filed with the Town Manager or Town Clerk no later than twelve noon the Wednesday prior to the work session.
- (c) Work sessions of the Board of Trustees are open to the press and public. No binding action may be taken at any work session. The Town Manger or Town Clerk shall keep brief minutes of work sessions.

Secs. 2-25—2-40. - Reserved.

ARTICLE III - Hearings

Sec. 2-41. - Purpose and applicability.

The purpose of the rules of procedure contained in this Article is to provide a uniform, consistent and expeditious method of procedure for the conduct of all hearings held before the Board of Trustees and any other board, commission or official, hereinafter referred to as the hearing body, or shall be applied uniformly in all such hearings; provided, however, that any board, commission or official may supplement the provisions of this Article by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provisions of this Article by any board, commission or official shall be reduced to writing and copies thereof shall be made available to the public.

Sec. 2-42. - Quasi-judicial hearings.

The provisions of this Article shall be applicable only to those hearings where the Board of Trustees, board, commission or official is called upon to exercise a power of a judicial or quasi-judicial nature, which, for purposes of this Article, shall be deemed to consist of the following:

- (1) Hearings before the Board of Trustees upon application for the issuance, or hearings for the suspension or revocation of, liquor or fermented malt beverage licenses; upon ordinances which zone or rezone real property; and upon all appeals from the decisions of any Town official, board or commission, where such an appeal is authorized, and which requires an evidentiary hearing to determine such appeal.
- (2) Hearings before the Board of Adjustment upon appeals from any decision of the Building Inspector or upon request for a variance or exception from the terms of any ordinance.
- (3) Hearings before any board, commission or official respecting the issuance, suspension or revocation of any license issued by the Town.

Sec. 2-43. - Rights of participants.

All quasi-judicial hearings shall be conducted under procedures designed to ensure all interested parties due process of law and shall, in all cases, provide for the following:

- (1) The stenographic or other verbatim reproduction of all testimony presented in the hearing, or an adequate summary of such testimony; and
- (2) A clear decision by the hearing body which shall set forth the factual bases and reasons for the decision rendered.

Sec. 2-44. - Order of procedure.

- (a) In all quasi-judicial hearings, the following order of procedure shall be followed:
 - (1) Presentation of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given;
 - (2) Presentation of evidence by Town staff if required or deemed necessary by the hearing body;
 - (3) Presentation of evidence by the applicant, petitioner, appealing party or complainant; and
 - (4) Opportunity for public comment, or presentation of evidence by any interested party.
- (b) All documents or other items of physical evidence shall be marked with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person.

Sec. 2-45. - Rules of evidence.

The hearing body shall not be required to observe any formal rules of evidence, but may consider any matter which a majority thereof concludes is reasonably reliable and calculated to aid the hearing body in reaching an accurate determination of the issues involved.

Sec. 2-46. - Notice of decisions.

No decision shall be effective except upon a vote of the members of the hearing body, conducted in an open session thereof, which shall be duly recorded in the minutes of the hearing body. Written copies of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same.

Sec. 2-47. - Judicial enforcement and review.

Any party aggrieved by any decision rendered by the hearing body in any quasi-judicial hearing may apply to have said decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure.

Sec. 2-48. - Administrative hearings.

All other hearings before the Board of Trustees or any board, commission or official shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the Board of Trustees to determine legislative policy or to enable any board, commission or official to make recommendations to the Board of Trustees in accordance with the provisions of Sections 2-49 through 2-53 hereof and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of their views.

Sec. 2-49. - Commencement of proceedings.

All proceedings conducted pursuant to the provisions of this Article shall be commenced in the manner provided by the ordinance or statute governing the matter.

Sec. 2-50. - Referral to hearing body.

Upon receipt by the Town Clerk or the secretary of any board, commission or other appropriate officer of the Town of any application, petition, notice of appeal, complaint or other instrument initiating a hearing, the same shall be referred to the Board of Trustees, board, commission or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by said Board of Trustees, board, commission or official, who shall direct public notice thereof to be given; provided, however, that the Board of Trustees or any board or commission may authorize its Town Clerk or secretary to set a date, time and place for hearing upon receipt of such instrument without the necessity for action by the Board of Trustees, board, commission or official.

Sec. 2-51. - Public notice.

Public notice of the date, time, place, and purpose for all public hearings shall be posted and published in accordance with State statute. If State statute does not specify the notice required, notice will at least be posted on the Town's official website no later than twenty-four hours (24) before the public hearing.

Sec. 2-52. - Preserving order.

Each hearing body shall have the right to preserve order during the hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings, as may be necessary; and the hearing body may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the hearings. It may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person.

Sec. 2-53. - Adjournments.

After commencement of any hearing, the hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned hearing shall recommence, without the necessity of any further published notice thereof.

Secs. 2-54—2-60. - Reserved.

ARTICLE IV - Officers and Employees

Sec. 2-61. - Town Manager.

(a) The Board of Trustees may appoint a Town Manager who shall hold office at the pleasure of the majority of the Board for an indefinite period. The Town Manager shall be selected solely on the basis of executive and administrative qualifications, with special emphasis on training and experience in municipal administration, and shall be compensated at a rate deemed appropriate by the Board of Trustees.

(b) The purpose of the Office of Town Manager is to provide for the centralization of the administrative operations and responsibilities of the Town, with the Town Manager to be the administrative head of the Town government under the direction and control of the Board of Trustees, and who shall be responsible to the Trustees for the efficient conduct of said office.

(c) The Mayor shall annually conduct a performance evaluation of the Town Manager and submit the same to the Board of Trustees for its review and approval.

(d) The Town Manager is measured on performance in the areas of financial administration, staff management, Board assistance, liaison activities, citizen communication; planning and economic development; and other special or project related activities.

(e) The Town Manager shall nominate a department head or other senior employee of the Town to serve as acting Town Manager during the temporary disability or absence of the Town Manager. Such nominee, once confirmed by the Board of Trustees, shall perform the duties and exercise all the powers of the Town Manager during the period of disability or absence of the Town Manager, but shall receive no additional compensation therefor unless specifically authorized by the Board of Trustees. In the event of a vacancy in the position of Town Manager, an interim Town Manager may be appointed until the position is filled by regular appointment.

- (f) Within six (6) months of appointment, the Town Manager shall be required to establish and maintain residency within a twenty-five (25) mile radius of the Town Hall.
- (g) The Board of Trustees may assign the duties of the Town Clerk to the Town Manager.
- (h) The Town Manager's functions and duties shall be as follows:
 - (1) To be responsible to the Board of Trustees for the organization and efficient administration of all administrative departments of the Town, and to faithfully carry out directives and recommendations of the Board of Trustees in coordinating the administrative functions and operations of the various departments.
 - (2) To supervise the enforcement of all laws and ordinances of the Town, save and except to the extent that the administration of such enforcement is confined to other officials by law or ordinance.
 - (3) To appoint and discharge, subject to the review and consent of the Board of Trustees, the heads of Town departments, excepting any Town officer appointed by the Board of Trustees, such as the Municipal Court Judge and Town Attorney. The Town Manager shall also have the authority to employ, dismiss, suspend or discipline all departmental employees.
 - (4) To establish, subject to the approval of the Board of Trustees, appropriate personnel salary schedules and rules and regulations governing officers and employees of the Town.
 - (5) To issue administrative regulations and outline general administrative procedures applicable to areas and departments within the Town Manager's supervision which are not in conflict with the laws of the State or other Town ordinances.
 - (6) To recommend an annual budget to the Board of Trustees, administer the budget as finally adopted and keep the Board of Trustees fully advised at all times as to the financial condition of the Town, including providing an annual report of the Town's affairs and summary of operations of all departments.
 - (7) To recommend to the Board of Trustees for its consideration proposed ordinances, changes in ordinances and such other regulatory measures as may be deemed necessary, and to attend Trustee meetings with the right to take part in discussion, but not to vote.
 - (8) To supervise and be responsible for the purchase of all supplies, materials and equipment as authorized by the Board of Trustees for the various departments, divisions or services of the Town in a manner necessitated by and subject to the limitations imposed by law.
 - (9) To serve as public relations officer of the Town, and in such capacity to investigate and adjust all complaints filed against any employee, department, division or service of the Town and to cooperate with all community organizations whose aim and purpose is to advance the best interests of the Town and its citizens.

Sec. 2-62. - Town Clerk.

- (a) The Board of Trustees at its first regular meeting after each biennial election shall appoint a Town Clerk, or may assign the duties of Town Clerk to the Town Manager.
- (b) The Town Clerk's duties shall be as follows:
 - (1) To serve as Clerk to the Board of Trustees, to attend all meetings of the Board, and to keep a journal of all its proceedings.
 - (2) To act as custodian of all the Town's records, and all such records shall be open at all reasonable times for inspection by the electors of the Town.
 - (3) To certify by the Town Clerk's signature all ordinances and resolutions enacted or passed by the Board of Trustees.
 - (4) To maintain a supply of forms for all petitions required to be filed for any purpose provided by the Board of Trustees.
 - (5) To countersign all warrants drawn on the Town treasury.
 - (6) To be custodian of all bonds of all officers or employees of the Town.
 - (7) To perform such other duties as may be prescribed by ordinance or at the direction of the Board of Trustees.

Sec. 2-63. - Town manager and town clerk, oath and bond.

Before entering upon the duties of office, the Town Manager and the Town Clerk shall take an oath of office and furnish a surety bond in the amount set by resolution of the Board of Trustees conditioned upon the faithful discharge of their duties.

Sec. 2-64. - Town Attorney.

- (a) The Board of Trustees at its first regular meeting after each biennial election shall appoint a qualified attorney at law as the Town Attorney and shall fix the compensation for such position. The Board of Trustees may appoint an individual or entity to the office of Town Attorney. The individual or entity appointed to the office of the Town Attorney shall provide legal services as an independent contractor pursuant to the terms of an agreement approved by the Board of Trustees. The Town Attorney shall serve at the pleasure of the Board of Trustees.
- (b) The Town Attorney shall act as legal advisor to, and be attorney and counsel for, the Board of Trustees and shall be responsible solely to the Board of Trustees. The Town Attorney shall advise any officer or department head of the Town in matters relating to official duties when so requested by the Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by the Town Attorney.
- (c) The Town may also appoint a Town Attorney to prosecute ordinance violations and conduct cases in Municipal Court for the Town. The Town Attorney shall file with the Court Clerk copies of such records and files relating thereto.

(d) The Town Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to the Town Attorney by the Board of Trustees and shall promptly give their opinion as to the legal consequences thereof.

(e) The Town Attorney shall call to the attention of the Board of Trustees all matters of law, and changes or developments therein, affecting the Town.

(f) The Town Attorney shall perform such other duties as may be prescribed for such person by the Board of Trustees.

Sec. 2-65. - Appointed officers and employees, salaries.

All appointed officers and employees of the Town shall receive such salary as shall be established by the Board of Trustees.

Sec. 2-66. - Removal from office.

Any officer appointed by the Board of Trustees may be removed from office or suspended for a specific time, with or without pay, by a majority vote of the Board of Trustees, after a charge in writing has been delivered to the officer and a hearing before the Board of Trustees has occurred.

Secs. 2-67—2-80. - Reserved.

ARTICLE V - Code of Ethics

Sec. 2-81. - Conflicts of interest—General.

(a) A "conflict of interest" for purposes of this Article, means:

(1) Any pecuniary, property, or commercial benefit of any person covered by this Article or of any parent, spouse, or child of such person; or

(2) Any personal or private interest of any person covered by this Article, in any matter proposed or pending before the Board or commission, as applicable. However, a "conflict of interest" does not include any matter involving the common public interest, or any matter in which a similar benefit is conferred upon or is available to all persons or property similarly situated.

(b) No person subject to the requirements of this Article shall fail to comply with the applicable disclosure and non-action requirements of this Article.

Sec. 2-82. - Disclosure and non-action—Matters involving conflict of interest.

(a) If the Mayor, any Board member, appointee or any member of a commission has a conflict of interest with regard to any matter before the Board or commission, as applicable, such person shall follow the disclosure and other requirements of this Section.

(b) At or before the time the matter is heard, the member shall disclose the interest to the Board or commission, as applicable. The member shall not vote on or otherwise take any formal action

concerning the matter, shall not participate in any executive session concerning the matter, and shall refrain from attempting to influence any other member in voting on the matter.

Sec. 2-83. - Town employees; other provisions concerning conflicts of interest.

(a) No Town employee shall take any official action concerning any matter as to which the employee has a conflict of interest.

(b) Neither the Mayor, any Board member, appointee, commission member, nor any employee, shall use for personal or private gain, or for any other personal or private purpose, any information which is not available to the public and which is obtained by reason of the person's position with the Town, or disclose any such information except as required by law.

(c) Neither the Mayor, any Board member, appointee, commission member, nor any employee shall be eligible to contract with the Town for period of four (4) years after the conclusion of elected service or employment, as applicable. This includes any contracting entity in which any person covered by this Article has personal or private interest.

(d) The provisions of this Article shall be in addition to any applicable conflict of interest provision of the State statutes that are at least as restrictive as this Article, and shall supersede any such conflict of interest provisions of the State statutes that are less restrictive than this Article.

Secs. 2-84—2-90. - Reserved.

ARTICLE VI - Municipal Court

Sec. 2-91. - Municipal Court created.

A Municipal Court of record in and for the Town is hereby created and established pursuant to and governed by the provisions of state law to hear and determine cases arising under this Code.

Sec. 2-92. - Municipal Judge; appointment.

The Court shall be presided over by a presiding Municipal Judge, appointed by the Board of Trustees for a two (2) year term, or until a successor is appointed and duly qualified. The Board of Trustees may appoint additional judges from time to time as may be needed to transact the business of the Court or to preside in the absence of the presiding Judge. The presiding Judge shall supervise and direct the Court's operations. Any Municipal Judge may be removed by the Board of Trustees for cause.

Sec. 2-93. - Qualifications.

The Board of Trustees may, by ordinance or resolution duly considered and adopted, establish from time to time such qualifications for the office of Municipal Judge as it may deem fit and proper and consistent with the procurement of persons of judicial temperament and ability. At a minimum, the Municipal Judge shall be an attorney licensed to practice law in the State of Colorado.

Sec. 2-94. - Oath and bond.

Before entering upon the duties of office, the Municipal Judge shall take and subscribe before a Judge of a court of record, and file with the Board of Trustees, an oath or affirmation that such person will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the Town and will faithfully perform the duties of their office.

Sec. 2-95. - Compensation.

The annual compensation of the Municipal Judge shall be set by the Board of Trustees. The Board of Trustees shall from time-to-time budget and appropriate monies for the compensation of the Municipal Judge.

Sec. 2-96. - Presiding Judge's powers.

The Municipal Judge shall have all judicial powers relating to the operation of the court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court. The presiding judge shall have authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court.

Sec. 2-97. - Ex officio Clerk.

The Judge shall also be ex officio Clerk of the Court unless a separate Clerk of the Municipal Court shall have been appointed by the Judge by and with the consent of the Board of Trustees.

Sec. 2-98. - Record of proceedings.

It shall be a duty of the Court Clerk to keep and maintain a verbatim record of all proceedings and evidence at trials, by either electric devices or stenographic means.

Sec. 2-99. – Contempt of court.

(a) Failure by any person, without adequate excuse, to obey a summons, subpoena, or other court order served upon that person may be deemed in contempt of the municipal court from which the summons, subpoena or other court order was issued. Upon a finding of contempt, the penalties set forth at Section 1-42 of this Code shall apply.

(b) Failure by any person to conduct themselves in a manner consistent with the decorum and respect inherent in the concept of judicial proceedings in the municipal court shall be deemed a contempt of court. Upon a finding of contempt, the penalties set forth at Section 1-42 of this Code shall apply.

(c) Contempt of court proceedings shall be held in accordance with Colorado Rules of Civil Procedure 107, as amended.

Sec. 2-100. - Fines paid to Town Treasurer.

All fines or other monies collected in the Municipal Court for the violation of this Code or any of the ordinances of the Town shall be reported by the Municipal Court and paid to the Town Treasurer each month.

Sec. 2-101. - Imposition of court costs.

There shall be imposed upon each defendant or respondent in the Municipal Court a cost of twenty-five dollars (\$25.00) upon conviction of a violation of any Town ordinance, said disposition including without limitation the granting of a deferred sentence or deferred prosecution. No court costs shall be imposed in any case in which the charges are dismissed prior to prosecution or upon a finding by the Court of not guilty; nor shall any court costs be imposed should any defendant appear prior to the date of the first appearance and pay said fine to the Town Clerk.

Sec. 2-102. – Restitution.

(a) Restitution may be ordered by the Municipal Court on its own motion, or upon oral or written motion of the prosecutor where a victim of the crime suffered a pecuniary loss. Any order for restitution shall include one or more of the following:

- (1) An order of a specific amount of restitution be paid by the defendant;
- (2) An order that the defendant is obligated to pay restitution, but that the specific amount of restitution shall be determined within the ninety-one (91) days immediately following the order of conviction, unless good cause is shown for extending the time period by which the restitution amount shall be determined. Any such order shall set a date for a restitution hearing within the time limits prescribed if so requested by the defendant;
- (3) An order, in addition to or in place of a specific amount of restitution, that the defendant pay restitution covering the actual costs of specific future treatment of any victim of the crime.

(b) The Municipal Court shall base its order for restitution upon information presented to the court by the prosecutor, who shall compile such information through victim impact statements or other means to determine the amount of restitution and the identities of the victims.

(c) Any order for restitution entered pursuant to this Section is a final civil judgment in favor of the Town and any victim. Any such judgment remains in force until the restitution is paid in full. Any order for restitution shall remain in force notwithstanding the termination of a deferred judgment and sentence or a deferred adjudication, the entry of an order of expungement pursuant to C.R.S. § 19-1-306, or an order to seal entered pursuant to C.R.S. § 24-72-7.

Sec. 2-103. – Collections.

If a person against whom any restitution, fine, penalty or costs has been assessed shall fail to pay any portion of such assessed amount when due, the Municipal Court may enter a judgment for the full amount, including any late fees as approved by the Board of Trustees by resolution, pursuant to the provisions of C.R.S. § 13-10-113(6) and C.R.S. § 18-1.3-506, as those statutes may be amended from time to time. Any such judgment may be referred by the Municipal Court to the Town Clerk for collection, and any costs of collection, up to a limit of eighteen percent (18%) of the amount owed, shall be assessed against such person. Interest shall accrue from and after such judgment in accordance with the provisions of C.R.S. § 5-12-102 as that statute may be amended from time to time.

Sec. 2-104. - Penalty assessments.

Provided that all fines, fees and costs associated with the issuance of a summons and complaint for a traffic infraction are paid or mailed not more than twenty (20) days after the issuance of the summons and complaint, the assessment of points against the defendant's driving privileges may be reduced as follows:

- (1) For a violation in which there was no injury or property damage, and having an assessment of either three (3) or four (4) points, the assessment will be reduced by two (2) points.
- (2) For a violation having an assessment of two (2) points, the assessment will be reduced by one (1) point.
- (3) For all other violations, a court appearance is mandatory, except those violations not requiring a court appearance by law.

Secs. 2-105—2-120. - Reserved.

ARTICLE VII - Marshal's Department

Sec. 2-121. - Creation, composition.

There is hereby created a Marshal's Department for the Town which shall consist of one (1) Town Marshal and as many deputy marshals as may from time to time be deemed necessary for the safety and good order of the Town.

Sec. 2-122. - Departmental rules and regulations.

The Marshal's Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board of Trustees.

Sec. 2-123. - Appointment, powers and duties of the Town Marshal.

At its first regular meeting following each biennial election, the Board of Trustees shall appoint a Town Marshal who shall be the head of the Marshal's Department. It shall be the duty of the Town Marshal to:

- (1) See that the ordinances of the Town are duly enforced and the rules and regulations of the Marshal's Department obeyed, and to perform such duties as may be required by the Board of Trustees;
- (2) Direct the operations of the Marshal's Department, subject to the rules and regulations thereof;
- (3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial;

(4) Take charge of the Town jail, all prisoners confined therein and all those who are sentenced to labor on the streets or public works of the Town, and see that orders and sentences with reference to such are fully executed and complied with; and

(5) Render such accounts of the Marshal's Department, their duties and receipts as may be required by the Board of Trustees and keep the records of their office open to inspection by the Board of Trustees at any time.

Sec. 2-124. - Oath and bond of Town Marshal.

Before entering upon the duties of such office, the Town Marshal shall take and subscribe to an oath that such person will support the Constitution and laws of the State, Constitution of the United States and ordinances of the Town, and that such person will faithfully perform the duties of the office upon which such person is about to enter. The Town Marshal shall furnish a surety bond to be approved by the Board of Trustees, in the amount set by resolution of the Board of Trustees conditioned upon the faithful discharge of the duties of their office.

Sec. 2-125. - Duties of deputy marshals.

All members of the Marshal's Department shall have power and duties as follows:

(1) They shall perform all duties required by the Town Marshal.

(2) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town and pursue and arrest any person fleeing from justice in any part of the State.

(3) They shall be the enforcement officers of the Town and shall see that the provisions of this Code and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or the laws of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning; and provided further that, in the special cases relating to traffic offenses, they may release an arrested person upon such person's written promise to appear in court.

(4) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders when desirable.

(5) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County.

Sec. 2-126. - Oath of deputy marshals.

Before entering upon the duties of such office, each deputy marshal shall take and subscribe an oath that such person will support the Constitution and laws of the State, the Constitution of the

United States and the ordinances of the Town, and that such person will faithfully perform the duties of the office upon which such person is about to enter.

Sec. 2-127. - Extraterritorial duty.

The Town Marshal may, in their discretion, upon request of the chief of police, town marshal or person exercising the functions thereof in any other jurisdiction, assign deputy marshals under their control, together with such equipment as such person shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

Sec. 2-128. - Reserve marshals; appointment; powers.

The Mayor may, upon any emergency, riot, pestilence, invasion or at any time the Mayor shall deem it necessary for the peace, good order or health of the Town, order the Town Marshal to appoint reserve marshals for a specified time, not exceeding two (2) days, without the approval of the Board of Trustees. The Mayor may also, with the approval of a majority of the Board of Trustees, order the Town Marshal to appoint such number of reserve marshals as may be agreed upon by the Board of Trustees to serve upon days of election, public celebration and holidays, and said reserve marshals shall have and possess all the powers and privileges of regular marshals during the time for which they may be appointed.

Secs. 2-129—2-140. - Reserved.

ARTICLE VIII – Special Parking Code Enforcement Officers

Sec. 2-141. – Creation.

There is created the position of special code enforcement officer. All special code enforcement officers shall be hired or designated as a special code enforcement officer by the Town Manager, and may be employees, agents or independent contractors (or employees thereof) of the Town. Such special code enforcement officers may be hired on a temporary or permanent basis, and may work full- or part-time hours.

Sec. 2-142 – Authority.

(a) Special code enforcement officers shall have the authority to enforce all parking regulations set forth in the Town of Green Mountain Falls Municipal Code, including without limitation, the parking regulations set forth in the Model Traffic Code adopted by the Town in Section 8-1.

(b) Special code enforcement officers may issue Municipal Court summonses and complaints for violations of the Code provisions they are authorized to enforce pursuant to subsection (a) hereof; provided that special code enforcement officers shall have no authority to detain or arrest individuals, or impound property.

Secs. 2-143—2-150. - Reserved.

ARTICLE IX - Emergency Management

Sec. 2-151. - Purpose.

The purpose of this Chapter is for the town to establish and maintain a local emergency management agency as described in the Colorado Disaster Emergency Act, C.R.S. § 24-7-33.5, *et seq* in the event of an emergency. For purposes of this Article, *emergency event* means the occurrence or imminent threat in the Town of widespread or severe damage, injury, or loss of life or property resulting from any natural or human cause, including without limitation flood, earthquake, wind, storm, hazardous substance incident, oil spill or other water contamination, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or invasion.

Sec. 2-152. – Emergency Manager.

- (a) The Board of Trustees hereby appoints the Town Manager as the emergency manager to direct appropriate planning, management and coordination in all phases of emergency management, including mitigation, preparedness, response and recovery.
- (b) The Mayor shall notify the Colorado Division of Homeland Security Office of Emergency Management, in writing of the existence of the local emergency management agency, the name of the current emergency manager, and any other related information the division requests.

Sec. 2-153. - Powers of Emergency Manager.

The following powers may be exercised by the emergency manager only in the event of an emergency event as herein contemplated, shall only be exercised for such period of time as the actual emergency exists, and shall only be invoked after a declaration and proclamation of an emergency event:

- (1) To exercise any and all powers granted by state law or this Code;
- (2) To call upon regular and auxiliary enforcement agencies and organizations within or without the Town to assist in preserving and keeping the peace and the preservation of life and property of the citizenry of the Town;
- (2) To close streets and sidewalks and to delineate areas within the Town wherein an emergency exists;
- (3) To enter into reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements or other contracts or plans with other governmental entities necessary for the protection of life and property, including the furnishing or exchange of supplies, equipment, facilities, personnel or services;
- (4) To promulgate such regulations as necessary to protect life and property and preserve critical resources, which regulations shall be confirmed at the earliest practical time by the Board of Trustees and shall be circulated to the public, including without limitation:

- a. Suspension of provisions of this Code that prescribe procedures for conduct of Town business, if strict compliance would in any way prevent, hinder or delay necessary action in coping with the emergency;
 - b. The transfer or reassignment of Town staff for the purpose of performing or facilitating emergency services;
 - c. The authorization of compensation for assistance providers;
 - d. The waiver of all provisions for competitive bidding direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices;
 - e. The declaration of a public curfew; and
 - f. Such other measures and regulations necessary to preserve the public peace, health and safety.
- (5) To direct protective actions, including without limitation shelter-in-place or Town evacuation;
 - (6) To prescribe routes, modes of transportation and destinations in connection with an evacuation, including controlling ingress to and egress from an emergency area and the movement of persons within the area;
 - (7) To provide for temporary housing;
 - (8) To request county, state and federal assistance, compensation and grants in support of emergency and/or disaster preparedness, prevention, mitigation, response, continuity or recovery activities; and
 - (9) To do any and all acts necessary and incidental to the preservation of life, limb and property within the Town.

Sec. 2-154. – Emergency operations plan.

- (a) The emergency manager shall be responsible for preparing and keeping a current emergency operations plan, which shall delineate measures to be implemented by the Town before, during and after an emergency event.
- (b) The emergency operations plan shall identify department responsibilities, including requirements for maintenance of specific facilities, and department emergency procedures and critical resource information.

Sec. 2-155. – Procedures for declaring emergency event.

- (a) Declaration. The Mayor and Town Manager are each authorized to declare that an emergency event exists when, in such person's opinion and in consultation with the emergency manager, such an event has occurred or the threat of such event is imminent. Declaration of an emergency event shall be in writing and shall describe the nature and circumstances of the emergency and the area threatened. The emergency manager shall be responsible for the

publication and dissemination of information to the public and shall file the declaration with the town clerk and forward a copy to the division.

(b) Effect. A declaration of an emergency event shall automatically empower the emergency manager to exercise any and all of the emergency powers permitted by state and local law or this Chapter. The Board of Trustees shall convene to perform its legislative powers as the situation demands and shall receive reports through the emergency manager and evaluate and enact policy and other support as necessary.

(c) Duration. A declaration of an emergency event shall remain in effect until the Board of Trustees or the emergency manager declares that the threat of danger has passed and publishes a notice effecting the same. Notwithstanding the foregoing, a state of emergency shall not be continued for more than seven days unless the board of trustees approves a longer duration. Any approval of a continuance or termination of an emergency event shall be filed with the Town Clerk and a copy shall be forwarded to the Colorado Division of Homeland Security Office of Emergency Management.

Sec. 2-156. – Line of succession.

(a) If the Mayor is unable to perform any duties set forth in this Article, then the duties conferred on the Mayor shall be performed by the Mayor Pro Tem.

(b) If the emergency manager is unable to manage an emergency event or otherwise unable to perform the duties set forth in this Article, then the duties conferred on the emergency manager shall be performed by the following, in descending order: the Mayor, then the Town Marshal, then the public works director, then the planning director, then the deputy Town Marshal.

Secs. 2-157—2-160. - Reserved.

ARTICLE X - Planning Commission

Sec. 2-161. - Purpose.

(a) The Town is a rural mountain community in a natural setting characterized by mountainsides, boulders, streams, trees and other flora indigenous to its location, altitude and climate.

(b) Buildings and other improvements within the Town exhibit a prevailing rustic aspect subordinate to the environment. Dwellings designed for single-family residence predominate. Commercial, civic and residential activities are of a service, crafts, professional and recreational nature. It is the purpose of this Article to accomplish the preservation and enhancement of these conditions and qualities. Therefore, pursuant to the authority conferred by state statutes, there is created a Planning Commission for the Town.

Sec. 2-162. - Powers and duties.

The Planning Commission shall have the powers and duties as set forth in C.R.S. § 31-23-201, *et seq.*, as amended, including, without limitation, the duty to formulate and approve a Master Plan for the Town and to make careful and comprehensive surveys and studies of present and future growth of the Town with due regard to its relation to neighboring territories. The plan shall be

made with the general purpose of guiding and accomplishing a coordinated, well-adjusted and harmonious development of the Town and its environs which will, in accordance with present and future needs, best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development; including among other things adequate provision for traffic, beautification, promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditures of public funds and the adequate provision of public utilities and other public requirements. The Planning Commission shall review all proposed subdivisions, proposed zoning and such other matters relating to planning as is deemed advisable. The decisions of the Planning Commission shall be purely advisory in nature to the Board of Trustees. Upon the final adoption of the Master Plan by the Planning Commission, the same shall be presented to the Board of Trustees for its approval and the Master Plan shall be given primary consideration by the Board of Trustees. The Board of Trustees may amend or alter the Master Plan but only after the Planning Commission has had the opportunity to comment upon the proposed amendment. Any deviation from the Master Plan shall be determined to be an amendment to the Plan.

Sec. 2-163. - Membership and term.

(a) The Planning Commission shall consist of five (5) members appointed by the Board of Trustees. In addition to five (5) regular, voting members, one (1) Board of Trustee member shall serve as an ex officio member of the Planning Commission and may take part in discussions but shall not vote. All members shall be residents of the Town

(b) The term of the ex officio member shall correspond to their official tenure. The term of each voting member shall be three (3) years or until their successor takes office. A voting member may be removed by the Board of Trustees upon the filing of a written statement by a member of the Board of Trustees if, after public hearing, the Board of Trustees finds the member has committed inefficiency, neglect of duty, or malfeasance in office.

Sec. 2-164. - Meetings.

(a) The Planning Commission shall meet at the call of the Town Manager or the Town Manager's designee.

(b) Public notice conforming to the requirements of Section 2-51 hereof and Chapter 16 of the Code shall be required prior to any public hearing.

Secs. 2-165—2-170. - Reserved.

ARTICLE XI - Board of Adjustment

Sec. 2-171. - Purpose.

A Board of Adjustment is hereby created to hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement of this Code.

Sec. 2-172. - Powers and duties.

(a) The Board of Adjustment may overturn or modify any order, requirement, decision or determination made by an administrative official charged with enforcing this Code when it determines that the official incorrectly applied this Code or exceeded their authority. In addition, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Code, the Board of Adjustment has the power, in passing upon all appeals, to vary or modify the application of the regulations or provisions of this Code relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of this Code is observed, public safety and welfare secured and substantial justice done.

(b) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Article or to effect any variation of this Article.

Sec. 2-173. - Membership and term.

(a) The Board of Adjustment shall consist of five (5) members appointed by the Board of Trustees. In addition to five (5) regular, voting members, one (1) Board of Trustee member shall serve as an ex officio member of the Board of Adjustment and may take part in discussions but shall not vote. All members shall be residents of the Town

(b) The term of the ex officio member shall correspond to their official tenure. The term of each voting member shall be three (3) years or until their successor takes office. A voting member may be removed by the Board of Trustees upon the filing of a written statement by a member of the Board of Trustees if, after a public hearing, the Board of Trustees finds the member has committed inefficiency, neglect of duty, or malfeasance in office.

Sec. 2-174. - Meetings.

(a) The Board of Adjustment shall meet at the call of the Town Manager or the Town Manager's designee and shall fix a reasonable time for the hearing of all appeals.

(b) Public notice conforming to the requirements of Section 2-51 hereof and the Zoning Code shall be required prior to any public hearing.

Secs. 2-175—2-180. - Reserved.

ARTICLE XII - Parks, Recreation and Trails Advisory Committee

Sec. 2-181. - Purpose.

The Town's health, welfare, beauty, and economic vitality would best be served if there was more coordination in planning for the maintenance and improvement of its parks, recreation, and trails; therefore, the Parks, Recreation and Trails Advisory Committee, a standing committee, is hereby created.

Sec. 2-182. - Powers and duties.

(a) The Parks, Recreation and Trails Advisory Committee shall have the power and duty to formulate and approve a Parks, Recreation, and Trails Master Plan; to review the maintenance and capital needs of the Town's parks, recreation facilities, and trails; to make recommendations to the Board of Trustees for additional resources that may be needed to address these needs; to recommend trail construction, maintenance, planning and acquisition; and to recommend capital projects that the Town should undertake to improve recreation facilities. The decision of the Parks, Recreation and Trails Advisory Committee shall be purely advisory in nature to the Board of Trustees. Upon the final adoption of any new version of the Master Plan by the Committee, the same shall be presented to the Board of Trustees for its approval.

(b) The Parks, Recreation and Trails Advisory Committee shall have the power to solicit donations and carry out fundraising campaigns as approved by the Board of Trustees and in accordance with the Town's Donation Solicitation policy. All funds donated shall be accepted in accordance with the Town's Donation Acceptance policy and given to the Town Clerk for deposit in a special designated fund maintained for this purpose by the Town.

Sec. 2-183. - Membership.

The Parks, Recreation and Trails Advisory Committee shall consist of five (5) members appointed by the Board of Trustees. All members shall be residents of the Town. In addition to regular appointed members, one (1) Board of Trustee member shall serve as an ex officio member of the Parks, Recreation and Trails Advisory Committee and may take part in discussions but shall not vote.

Sec. 2-184. - Annual report.

At the first regular meeting of the Board of Trustees in February of each year, the chair of the Parks and Recreation Advisory Committee will submit a written report to the Board of Trustees summarizing the work of the Committee during the preceding calendar year. At that time, the chair of the Parks, Recreation and Trails Advisory Committee shall also present for the Board of Trustees review and approval a proposed work plan for the new year.

Secs. 2-185—2-190. - Reserved.

ARTICLE XIII - Fire Mitigation Advisory Committee

Sec. 2-191. - Purpose.

The public health, safety and welfare would best be served by effective coordination in fire mitigation activities between the Town and other regional governmental agencies. Therefore, a Fire Mitigation Advisory Committee is hereby established to advise the Board of Trustees and to coordinate with the El Paso County Emergency Management, the Colorado State Patrol, and other governmental agencies on fire-related issues affecting the Town and to develop a notification and evacuation plan for the Green Mountain Falls community.

Sec. 2-192. - Powers and duties.

The Fire Mitigation Advisory Committee shall have the power and duty to formulate fire mitigation plans, to coordinate with El Paso County Emergency Management, the Colorado State Patrol, and other governmental agencies on fire-related issues affecting the Town and to develop a notification and evacuation plan for the Green Mountain Falls community. The Fire Mitigation Advisory Committee shall work to carry out the recommendations in the "Action Recommendations for Structural Ignitability and Public Outreach" set forth in the Town of Green Mountain Falls Comprehensive Plan, adopted June 25, 2019, on p. 93, Table 2. The Fire Mitigation Advisory Committee may make further recommendations to the Board of Trustees for additional resources that may be needed to address these needs, and to recommend projects that the Town should undertake to improve the Town's resiliency to fire-related hazards. All activities of the Fire Mitigation Advisory Committee shall be subject to final approval of the Board of Trustees of the Town.

Sec. 2-193. - Membership.

The Fire Mitigation Advisory Committee shall consist of five (5) members appointed by the Board of Trustees. All members shall be residents of the Town. Persons interested in becoming members shall complete and submit an application in accordance with the Town's Policy on Advisory Committees, Appointments to Outside Agencies and Volunteers. In addition to regular appointed members, one (1) Board of Trustee member shall serve as an ex officio member of the Fire Mitigation Advisory Committee and shall take part in discussions but shall not vote.

Sec. 2-194. - Annual report.

At the first regular meeting of the Board of Trustees in February of each year, the chair of the Fire Mitigation Advisory Committee shall submit a written report to the Board of Trustees summarizing the work of the Committee during the preceding calendar year. At that time, the chair of the Fire Mitigation Advisory Committee shall also present for the Board of Trustees review and approval a proposed work plan for the new year.

Secs. 2-195—2-200. - Reserved.

ARTICLE XIV - Boards, Committees and Commissions

Sec. 2-201. - Creation.

Pursuant to the authority conferred by state statutes, there is hereby created a planning commission, a board of adjustment, a parks, recreation and trails advisory committee, and a fire mitigation advisory committee, which shall hereinafter for the purposes of this Article be referred to as "boards, committees, and commissions" or "board, committee or commission." All boards, committees, and commissions shall act in a purely advisory role to Board of Trustees unless expressly stated otherwise in this Code or statute.

Sec. 2-202. - Applicability.

The provisions of this title shall apply to all boards, committees, and commissions except when the topic is specifically addressed in the section related to the individual board, committee, or commission.

Sec. 2-203. - Members and alternates; appointments and requirements.

(a) All members of any board, committee, or commission shall be residents of the Town and shall be appointed by Board of Trustees. For purposes of this Chapter, "resident" shall mean a person who has resided in the Town and considered the Town their primary place of residence for a period of at least twelve (12) consecutive months immediately preceding the appointment, can demonstrate residency via verification documents as required by the Town, and would otherwise be eligible to hold municipal office pursuant to law.

(b) In making appointments, the Board of Trustees shall strive to select members representative of all community demographic and stakeholder groups. If any member ceases to reside in the Town, membership shall immediately terminate. All boards, committees, and commissions shall consist of five (5) voting members. No member of the Board of Trustees and no Town employee shall serve as a voting member of any board, committee, or commission. No person shall serve as a member or alternate member of more than one (1) board, committee, or commission at the same time.

(c) The Board of Trustees may appoint alternate members to any board, committee, or commission, not to exceed three (3) alternate members. Alternates are invited and requested to attend all meetings of the board, committee, or commission, but are not required to do so. Alternate members may take part in the discussion of any matter that comes before a board, committees, or commission, except for quasi-judicial matters, in which they may not participate unless they have been appointed in the place of an absent member. An alternate member may not vote on any matter unless designated to do so by the chair of the board, committee, or commission, in place of an absent member.

(d) The chair shall inform the Town Clerk in writing within one week of any member's resignation.

(e) Persons interested in becoming members shall complete and submit an application in accordance with the Town's Policy on Advisory Committees, Appointments to Outside Agencies, and Volunteers.

Sec. 2-204. - Terms of office and appointment.

Appointments to all boards, committees, and commissions shall be made by the Board of Trustees for three-year terms. Members shall serve without compensation. Initial terms of membership shall be as follows: Two (2) members shall be appointed to a one-year term, two (2) members shall be appointed to a two-year term, and one (1) member shall be appointed to a three-year term. Thereafter, as the terms expire, all appointments shall be for a period of three (3) years. Any members whose term expires may seek reappointment. Term limits shall not apply.

Sec. 2-205. - Quasi-judicial hearings.

In any quasi-judicial or public hearing held before any board, committee, or commission, all evidence and testimony shall be presented publicly. The commission may use its expertise, technical competence, and specialized knowledge in evaluating evidence presented to it and shall have the power to weigh any evidence accordingly.

Sec. 2-206. - Officer positions.

Each board, committee and commission shall appoint a chair and vice-chair annually during the first meeting of each calendar year. Each board, committee and commission shall appoint a secretary from among the remaining members of each respective board, committee, or commission. Each board, committee or commission shall operate in accordance with the rules of procedure in Section 2-207. The board, committee or commission chair shall notify the Town Clerk in writing within one (1) week post-election of the names of officers.

Sec. 2-207. - Rules of procedure.

Each board, committee and commission shall hold all meetings at Town Hall at regular intervals as set forth in the board, committee or commission's adopted bylaws. All meetings shall be open to the public, after posting full and timely notice of date, time, place, and subject matter of the meeting at the Town's designated posting locations. At each meeting, the public shall be given an opportunity for public comment. Full and timely notice shall be deemed to be at least twenty-four (24) hours prior to the date and time of the meeting. Unless required otherwise in this Chapter, all boards, committees, and commissions shall meet regularly at least once each month, except when a quorum is not available, or there is no business to address. Each board, committee, or commission's secretary shall keep minutes of its meetings and records of its transactions, the secretary shall deliver them to the Town Clerk in a timely manner for submission to the Board of Trustees. Special meetings may be called by the chair, any three (3) members, or the Town Manager with at least twenty-four (24) hours written notice. The chair has final authority to establish the agenda and will collaborate with other members and Town staff in its development. The chair or their designee shall serve as the conduit of communication between the board, committee, or commission and the staff liaison and Board of Trustees. A majority of the appointed non-vacant seats shall constitute a quorum.

Sec. 2-208. - Authority and responsibility.

(a) Boards, committees, and commissions shall exercise their authority and shall be accountable to comply with the board, committee or commission's approved work plan, the Board of Trustees' goals, and with other Board of Trustees adopted rules or regulations. Unless otherwise provided by law, no board, committee, or commission, and no member of any board, committees, or commission shall have authority to act on behalf of the Town, including without limitation approving contracts, negotiating deals, spending or allocating Town funds, and negotiating transactions involving real or personal property.

(b) Within ninety (90) days of creation, each board, commission or committee shall submit a set of bylaws to the Board of Trustees for review and approval. Bylaws shall, at a minimum, set the board, commission or committee's regular meeting date and time.

(c) Each board, committee or commission shall provide an agenda to the Town Clerk at least twenty-four (24) hours prior to the date and time of each meeting and shall provide the Town Clerk with approved minutes following every meeting.

(d) In collaboration with Town staff, each board, committee, and commission shall submit an annual budget request to Board of Trustees, which furthers the accomplishment of that plan. Once funding has been approved through the budgeting process, each board, committee, and commission may offer recommendations to the Town staff and Board of Trustees on the expenditure of those funds.

(e) No board, committee, or commission and no member of any board, committee, or commission shall have the authority to accept donations on behalf of the Town, to direct any Town employee, or to make operational decisions for the Town.

Sec. 2-209. - Recommendations to board of trustees.

Each board, committee, and commission shall deliver recommendations to the Board of Trustees concerning its budget provisions and other matters within its purview as required herein, from time to time as directed by the Trustees, or as initiated by the board, committee, or commission. Board of Trustees shall approve annual board, committee, or commission work plans and may provide direction to boards, committees, and commissions regarding specific matters upon which the Board of Trustees desires the board, committee, or commissions to investigate and provide recommendations. Boards, committees, and commissions shall follow such direction and provide their recommendations to Board of Trustees via the means directed by the Board of Trustees.

Sec. 2-210. - Removal.

Except as provided otherwise in this Chapter, the Board of Trustees shall have the power to remove any member of any board, committee or commission at any time with or without cause. Upon removal, the Board of Trustees shall fill any vacancy for the remainder of the vacated position's term. If there is less than one (1) year remaining on the term, a person may, but need not, be appointed to fill the remainder of that term and the next full term.

Sec. 2-211. - Staff liaison role.

The Town Manager may assign Town personnel to assist boards, committees, and commissions with budget proposals or any other duties as is necessary for the boards, committees, or commissions to adequately perform their functions.

Sec. 2-212. - Subcommittees.

From time to time, the Board of Trustees or a board, committee, or commission may establish temporary or standing subcommittees to study issues or make recommendations. No formal action may be taken by a subcommittee. Subcommittee meetings shall be public meetings, shall comply with the rules of procedure set forth in Section 2-207, and shall be attended by at least one (1) member of the board, committee or commission that formed the subcommittee. All subcommittee recommendations must be submitted to the appropriate board, committee, or commission.

Sec. 2-213. - Remote participation.

Members of any board, committee, or commission may participate in meetings remotely, and any remote participation shall be pursuant to rules and regulations adopted by the Board of Trustees, as they may be amended.

CHAPTER 3 - Revenue and Finance

ARTICLE I - General

Sec. 3-1. - Fiscal year same as calendar year.

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

Sec. 3-2. - Annual budget.

Not later than the first regular meeting of the Board of Trustees in November of each year, the Budget Committee, or other duly authorized persons designated by the Board of Trustees, shall submit to the Board of Trustees the itemized annual budget for the ensuing fiscal year. The budget as approved by the Board of Trustees shall be adopted and administered in accordance with the provisions of the Local Government Budget Law of Colorado, C.R.S. § 29-1-101, *et seq.*, as amended.

Sec. 3-3. - Rate of tax levy.

The Board of Trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify said levy to the County Commissioners of El Paso and Teller Counties prior to December 16 of each year.

Sec. 3-4. - Annual appropriation.

The Board of Trustees shall pass an ordinance or resolution within the last quarter of each fiscal year for the next fiscal year appropriating sums of money as are necessary to cover the items in its budget and to defray all necessary expenses and liabilities of the Town, specifying the objects and purposes for which such appropriations are made and the amount appropriated for each object and purpose. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year.

Sec. 3-5. - Deposits and investments.

The Town Treasurer shall deposit all of the funds and moneys which come into their possession by virtue of the office as Town Treasurer in one (1) or more responsible banks located in the State which have been designated by written resolution of the Board of Trustees. The Board of Trustees may also authorize the Town Treasurer by written resolution to invest all or any part of such funds in securities which are authorized for such investment by State law.

Sec. 3-6. - Annual audit.

The Board of Trustees shall select a qualified person or entity as auditor and cause to be made an annual audit of the financial affairs and transactions of the Town in accordance with the requirements of State law.

Secs. 3-7—3-20. - Reserved.

ARTICLE II - General and Special Funds

Sec. 3-21. - General Fund created.

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

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

Sec. 3-22. - Capital Improvement Fund.

There is hereby established a special fund of the Town to be known as the Town of Green Mountain Falls Sales Tax Capital Improvement Fund.

Sec. 3-23. - Conservation Trust Fund.

There is hereby created a Conservation Trust Fund pursuant to the provisions of C.R.S. § 29-21-101, *et seq.*, and such fund shall be received, budgeted, appropriated and used in accordance with the provisions of State law.

Secs. 3-24—4-40. - Reserved.

ARTICLE III - Sales Tax

Sec. 3-41. - Purpose.

The purpose of this Article is to impose a sales tax on the privilege of selling tangible personal property at retail and on the furnishing of services upon every retailer in the Town.

Sec. 3-42. - Definitions.

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

Sec. 3-43. - General provisions; exemptions.

- (a) For the purpose of collection, administration and enforcement of this Article the provisions of C.R.S. § 39-26-114 shall be deemed applicable and incorporated into this Article.
- (b) The amount subject to tax under this Article shall not include the state sales and use tax imposed by Article 26 of Chapter 39, C.R.S.
- (c) For the purpose of this Article, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his or her agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.

(d) The gross receipts from sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Chapter 39, C.R.S., regardless of the place to which delivery is made.

(e) In the event a retailer has no permanent place of business or more than one (1) place of business in the Town, the place or places at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of Article 26 of Chapter 39, C.R.S., and by the rules and regulations promulgated by the Department of Revenue.

(f) For the purposes of collection, administration and enforcement of this Article, the sale of tangible personal property and services taxable pursuant to this Article shall be the same as the sale of tangible personal property and services taxable pursuant to C.R.S. § 39-26-104, as amended.

Sec. 3-44. - Schedule of sales tax.

(a) There is imposed, on all sales of tangible personal property and on the furnishing of all taxable services, a tax equal to two percent (2%) of the gross receipts.

(b) There is hereby imposed on all sales of tangible personal property and on the furnishing of all taxable services an additional tax equal to one percent (1%) of the gross receipts. This additional sales tax, by voter approval, is to be used for the purpose of maintaining current services, repair and replacement of Town road maintenance and snowplowing equipment, the purchase of road maintenance materials and the maintenance, repair and improvements of Town parks and recreational facilities.

(c) The imposition of tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Colorado Department of Revenue or by separate ordinance of the Town.

(d) The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue in the same manner as the collection, administration and enforcement of the state sales tax. The provisions of Article 26 of Chapter 39, C.R.S., as amended, and all rules and regulations promulgated by the Director of Revenue shall govern the collection, administration and enforcement of sales tax imposed by this Article.

Secs. 3-45—3-60. - Reserved.

ARTICLE IV - Use Tax

Sec. 3-61. - Definitions.

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

Sec. 3-62. - General provisions and exemptions.

(a) The purpose of this Article is to impose a use tax of two percent (2%) thereof, and such additional use tax as may be approved by the voters of the Town, for the privilege of using or consuming in the Town any construction and building materials purchased at retail, and for storing,

using and consuming in the Town any motor or other vehicles on which registration is required, purchased at retail or both.

(b) There is hereby imposed, effective July 1, 2004, an additional use tax of one percent (1%) thereof, by voter approval, for the privilege of using or consuming in the Town any construction and building materials purchased at retail, and for storing, using and consuming in the Town any motor or other vehicles on which registration is required, purchased at retail or both.

(c) The use tax shall not apply:

(1) To the storage, use or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town.

(2) To the storage, use or consumption of tangible personal property purchased for resale in the Town either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business.

(3) To the storage, use or consumption of tangible personal property brought into the Town by a nonresident thereof for his or her own storage, use or consumption while temporarily within the Town; however, this exemption does not apply to the storage, use or consumption of tangible personal property brought into the State by a nonresident to be used in the conduct of a business in the State.

(4) To the storage, use or consumption of tangible personal property by the United States government or the State, or its institutions or political subdivisions, in their governmental capacities only, or by religious or charitable organizations in the conduct of their regular religious or charitable functions.

(5) To the storage, use or consumption of tangible personal property by a person engaged in the business of manufacturing, or compounding for sale, use or profit, any article, substance or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the container, label or furnished shipping case thereof.

(6) To the storage, use or consumption of any article of tangible personal property, the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule town, city or city and county equal to or in excess of that imposed by this Article. A credit shall be granted against the use tax imposed by this Article with respect to a person's storage, use or consumption in the Town of tangible personal property purchased by him or her in a previous statutory or home rule town, city or city and county. The amount of the credit shall be equal to the tax paid by him or her by reason of the imposition of a sales or use tax of the previous statutory or home rule town, city or city and county on the purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this Article.

(7) To the storage, use or consumption of tangible personal property and household effects acquired outside of the Town and brought into it by a nonresident acquiring residency.

(8) To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the Town and he or she purchased the vehicle outside of the Town for use outside of the Town and actually so used it for a substantial and primary purpose for which it was acquired and he or she registered, titled and licensed said motor vehicle outside of the Town.

(9) To the storage, use or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax.

(10) To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, **let** ? or entered into at any time prior to the effective date of this Article.

Sec. 3-63. - Collection, administration and enforcement of use tax.

(a) The use tax provided for in this Article shall be applicable to every motor vehicle for which registration is required by the laws of the State; no registration shall be made of any motor or other vehicle for which registration is not required; and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage or consumption thereof pursuant to this Article has been paid.

(b) The use tax imposed by this Article shall be collected by the authorized agents of the counties involved.

(c) The proceeds of said use tax shall be paid to the Town in accordance with the agreement entered into by the appropriate agencies and the Town.

(d) Use tax for construction and building materials shall be collected at the time the building permit application is submitted to the Town.

Sec. 3-64. - Revenues.

(a) Revenues collected by the two-percent use tax are to be used toward the payment of such municipal vehicles as the Board of Trustees determines are necessary and appropriate.

(b) Revenues collected by the one-percent additional use tax, approved by the voters, are to be used for the purpose of maintaining current services, repair and replacement of Town road maintenance and snowplowing equipment, the purchase of road maintenance materials and the maintenance, repair and improvements of Town parks and recreational facilities.

Secs. 3-65—3-80. - Reserved.

ARTICLE V - Lodging Occupation Tax

Sec. 3-81. - Imposition of tax.

(a) The provision of lodging rooms and accommodations to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police protection and has a substantial effect upon the health, safety

and welfare of the citizens of the Town and upon the expenditures budgeted by the Town which is a matter of local concern.

(b) The classification of the provision of lodging as separate businesses and occupations is reasonable, proper, uniform and nondiscriminatory; and the taxable amount hereby levied is reasonable, proper, uniform, nondiscriminatory, and necessary.

(c) There is hereby levied by the Town an occupation tax on the provision of lodging upon every lodging business furnishing any room or accommodation for less than one (1) month or thirty (30) consecutive days within the Town in the amount of four dollars and fifty cents (\$4.50) per day, per occupied lodging room or accommodation.

Sec. 3-82. - Lodging defined.

The provision of lodging means the transaction of furnishing rooms or accommodations to any person who, for monetary consideration, possesses or has the right to use or possess any room or rooms in a hotel, apartment hotel, lodging house, motor hotel, guest house, guest ranch, short-term rentals licensed pursuant to Chapter 5 of this Code, or any other place that furnishes sleeping accommodations under any concession, permit, right of access, license to use, other agreement or otherwise and for a period of less than thirty (30) consecutive days or which rental is on a weekly or daily basis.

Sec. 3-83. - Exemptions.

Lodging Tax Exemptions. The following transactions shall be exempt from the tax imposed by this Article:

(a) Accommodations provided by the United States, the State of Colorado, its departments and institutions, and the political subdivisions of the State in their governmental capacities only.

(b) Accommodations provided by those charitable, religious and eleemosynary organizations that have received from the Internal Revenue Service status under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities.

(c) Accommodations provided to a person who is a permanent resident of a hotel, motel, apartment hotel, lodging house, motor hotel, guest house, or other similar business pursuant to a written agreement for a period of at least one (1) month or thirty (30) consecutive days.

(d) Accommodations provided to a person without monetary consideration being paid to the vendor for such accommodations.

Sec. 3-84. - Payment of tax.

(a) Every lodging business shall remit the lodging occupation tax not less than quarterly on account of lodging provided in the preceding quarter and not later than fifteen (15) days following the end of each quarter of the calendar year. Said payment shall be accompanied by a return containing such information and be in such form as the Town Clerk may prescribe.

(b) The burden of providing that any transaction is exempt from the tax shall be upon the lodging business.

Sec. 3-85. - Penalty for late payment.

In the event payment of the lodging tax is not timely made as provided in Section 3-84, the lodging business shall be required to pay unto the Town a fifteen percent (15%) penalty of the entire tax due for any given quarter.

Sec. 3-86. - Inspection of records.

The Town, its officers, agents or representatives shall have the right to all reasonable hours and times to examine the books and records of the lodging businesses that are subject to the provisions of this Article and to make copies of the entries or contents thereof.

Secs. 3-87—3-100. - Reserved.

ARTICLE VI - Telephone Utilities Tax

Sec. 3-101. - Definitions.

As used in this Article:

- (1) *Base line count* means the total number of lines for which the incumbent provider provides basic local exchange service within the Town on January 1, 1998.
- (2) *Basic local exchange service* means basic local exchange service or basic service authorized by a certificate of public convenience and necessity, or otherwise, under Title 40, Article 15, C.R.S., as amended or recodified from time to time.
- (3) *Incumbent basic local exchange service provider* or *incumbent provider* means the company or entity providing basic local exchange service in the Town as of January 1, 1998.
- (4) *Inhabitant* means any individual, corporation, partnership, joint venture, company, firm, association, proprietorship or other entity residing or having a place of business within the Town.
- (5) *Line* means a separate telephone number or telephone circuit identification number provided to a customer at retail, except that, to the extent a provider provides basic local exchange service through trunks, a *line* means a network access register, or its functional equivalent, provided to a customer at retail.
- (6) *New basic local exchange service provider* or *new provider* means any company or entity other than the incumbent provider who enters the business of providing basic local exchange service.
- (7) *New provider's initial line count* means the number of lines for which a new provider provides basic local exchange service within the Town thirty (30) days after that new provider's effective date, under Section 3-103.

(8) *Provider* means a company or entity providing basic local exchange service through use of its own facilities, through resale or through any combination of the two.

Sec. 3-102. - Tax levied; amount.

(a) There is levied on and against each provider operating within the Town, a tax on the occupation and business of providing basic local exchange service at retail to inhabitants of the Town.

(b) The amount and payment rates of tax levied shall be as follows:

(1) The monthly tax rate to be paid by all providers shall be calculated by dividing the current annual amount of business and occupation tax paid by the incumbent provider, by the total number of lines for which a charge is made to all inhabitants on January 2, 1998, by all providers, the result of which shall be divided by twelve (12). Such formula can be represented as follows:

The incumbent's current tax liability	÷ 12 =	Per monthly line rate
Total lines of all current providers		

(2) The tax levied against each provider shall be calculated each August, shall be effective on the following January 1 and shall be payable on a quarterly basis, specifically, on March 31, June 30, September 30 and December 31 of each year.

(3) Each new provider that first becomes subject to this Article during any calendar year shall calculate its tax for that calendar year, as stated in paragraph (1) above, using as the number of provider lines, the number in the new provider's initial line count under Section 3-104. Each such new provider shall prorate the tax from and including the month of the effective date, under Section 3-103, through the end of that calendar year. Each such new provider that first becomes subject to this Article within the first ten (10) months of a tax year shall pay that prorated tax in equal quarterly payments, beginning the month of its statement of new provider's initial line count under Section 3-104 of lines, and ending December 31 of that tax year. Each such new provider that first becomes subject to this Article during the last two (2) months of the tax year shall pay its total prorated tax within sixty (60) days of the effective date. For each such new provider, the tax for the following year shall be computed as stated in paragraph (2) above, using, as the number of provider lines, the number in either the new provider's initial line count, or its June 30 statement of lines for the preceding year (if any), under Section 3-104, whichever statement comes later.

Sec. 3-103. - Effective date; schedule of payments.

For each provider, the tax levied by this Article shall commence on January 1, 1998, or on the date the provider first provides basic local exchange service with the Town, whichever is later. Except as this Article may otherwise provide, the tax shall be due and payable in quarterly payments.

Sec. 3-104. - Initial and annual statements of company lines.

An incumbent provider shall, on January 2 of each year determine the total number of lines for which it then provides basic local exchange service within the Town (the base line count), and shall, by March 15 file with the Town Clerk a statement showing its determined total number of lines. On June 30 of each calendar year, each provider then subject to this Article shall determine the total number of lines for which it then provides basic local exchange service within the Town. By July 30 of the same calendar year, each such provider shall file with the Town Clerk a statement showing its determined total number of lines. In addition, a new provider that first becomes subject to this Article during any calendar year shall, thirty (30) days after that new provider's effective date under Section 3-103, determine the number of lines for which it provides basic local exchange service within the Town (new provider's initial line count), and shall file its statement of that number within sixty (60) days after the effective date. All statements shall be in such form as the Town Clerk may require, including oaths, verifications or acknowledgments.

Sec. 3-105. - Failure to pay; penalty; Town action to collect.

If any provider subject to this Article fails to pay the taxes as provided in Section 3-102, the full amount thereof shall be due and collected from such company, and the same, together with an addition of ten percent (10%) of the amount of taxes due, is a debt due and owing from such provider to the Town. The Town may commence and prosecute to final judgment, in any court of competent jurisdiction, an action at law to collect the debt.

Sec. 3-106. - Inspection of records.

To enforce this Article, the Town and its officers, agents or representatives shall have the right, at all reasonable hours and times, to examine and copy the books and records of every provider subject to this Article. They shall use these books, records and copies only to enforce this Article. Except under a court order, or in connection with enforcing this Article, they shall not divulge these books, records or copies to any other person.

Sec. 3-107. - Tax not on interstate commerce; not a franchise.

The tax provided in this Article is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. None of the terms of this Article mean that the Town grants any provider a franchise.

Sec. 3-108. - Tax in lieu of certain other consideration.

The tax levied in this Article is in lieu of all other occupation taxes on any provider subject to this Article. It is in addition to any otherwise applicable ad valorem taxes and other taxes and fees. It is in lieu of any free service furnished the Town by any provider.

Sec. 3-109. - Violation of annual statement requirement; penalty.

Upon conviction, the Municipal Court shall punish any officer, agent or manager of a provider subject to this Article who fails, neglects or refuses to make or file the annual statement of accounts provided in Section 3-104 by a fine of not more than two thousand six hundred and fifty dollars (\$2,650.00). Each day after the statement becomes delinquent during which the officer, agent or

manager so fails, neglects or refuses to make and file such statement is a separate and distinct offense.

Sec. 3-110. - Offenses and liabilities to continue.

All offenses committed and all tax liabilities incurred before amendment of this Article, under prior versions of the telephone utility tax, shall be and remain unconditionally due and payable, shall constitute a debt to the Town and shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect.

Secs. 3-111—3-120. - Reserved.

ARTICLE VII - Emergency Telephone Service Charge

Sec. 3-121. - Emergency telephone service authority.

The Town is a member of the *Emergency Telephone Service Authority*, which is the governing body responsible for administering enhanced 911 operations. The Authority has the power to contract for the installation and operation of an emergency telephone service in all areas authorized by the establishing intergovernmental agreement.

Sec. 3-122. - Fees.

There is imposed pursuant to C.R.S. § 29-11-100.1, *et seq.*, as amended, upon all telephone exchange access facilities within the Town, an emergency telephone charge in an amount not to exceed the lesser of two percent (2%) of the tariff rate or fifty cents (\$.50) per month for those portions of the service area for which emergency telephone services are provided. The funds so collected shall be spent solely to pay for the equipment costs, installation costs, costs directly related to the continued operation of an emergency telephone service and for the monthly recurring charges billed by the service supplier for said service. The Board of Trustees may, by ordinance, raise or lower the emergency telephone charge, but in no event shall such charge exceed the amount annually set by the Colorado Public Utilities Commission in accordance with C.R.S. § 29-11-102, C.R.S. § 29-11-102.3, and C.R.S. § 29-11-102.5

Sec. 3-123. – Collection.

Telephone service suppliers providing telephone service in the Town are authorized to collect the emergency telephone charges imposed by this Article in accordance with C.R.S. § 29-11-100.1, *et seq.*, as amended, and to provide those funds to the Emergency Telephone Service Authority.

Secs. 3-124—3-130. – Reserved.

ARTICLE VIII - Municipal Procurement Procedures

Sec. 3-131. - Application and definitions.

- (1) Except as set forth in Paragraph 3 below, the procurement procedures set forth in this Article shall apply to every purchase to which the Town is a party, provided that the

Town may vary from these procedures when necessary to comply with state or federal grant requirements.

(2) The following words, terms and phrases, when used in this Article shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Bids" shall mean either bids or proposals submitted in response to a written invitation for bids or a written request for proposals.

(b) "Town Manager" shall mean the Town Manager and the Town Manager's designee.

(3) The following purchases shall be exempt from the requirements of this Article:

(a) Insurance and Benefits. The procurement of all insurance and benefits, including renewals or extensions and related recordkeeping services. Insurance and benefits will be procured in a generally competitive manner as determined by the Town Manager.

(b) Legal Services. Outside legal services, including related services, obtained by the Town Attorney's Office.

(c) Cooperative Purchasing. Products or services for which other public agencies have engaged in a competitive solicitation process and are able to have their bid prices extended to the Town, such as State Bid, GSA, or similar programs. The Town may also participate in joint procurements with other agencies in the Town's best interests. Town Manager approval is not required when cooperative purchases are made.

Sec. 3-132. - General requirements and thresholds.

(1) Written document. Every purchase shall be evidenced by a written document.

(2) Purchases of less than \$10,000. A purchase in an amount of ten thousand dollars (\$10,000.00) or less may be approved by a Department Director without Town Manager or Town Board action. Competitive bidding is not required. However, even on these items, periodic telephone/online checks should be made to be certain the purchases are obtained at the lowest cost for the quality desired.

(3) Purchases of \$10,000 - \$25,000. A purchase in an amount of ten thousand dollars (\$10,000) to twenty-five thousand dollars (\$25,000.00) must be approved by the Town Manager. At least three written informal quotes must be solicited, unless an exception in Section 3-133, below, applies. When seeking written informal quotes, all quotes must be tabulated in detail and attached to the winning contract/invoice for future reference. If the recommended quote is not the lowest, an explanation must also accompany the contract/invoice.

(4) Purchases in excess of \$25,000. Any item for services, projects, or equipment in this category must be approved by the Town Board of Trustees. The formal bid process set forth in Sections 3-134 and 3-135, below, must be followed unless an exception applies.

Responsibility for the advertising of formal bids will be that of the Department Director overseeing the purchase.

(5) Appropriation required. All expenditures for purchases shall be budgeted and appropriated. If a purchase is contemplated to extend beyond the current fiscal year, it must be subject to annual appropriation (unless otherwise permissible by elector vote or as determined by the Town Attorney).

Sec. 3-133. - Comparative price quotations (between \$10,000 and \$25,000).

(1) When the amount of a purchase is between ten thousand dollars (\$10,000.00) and twenty-five thousand dollars (\$25,000.00), comparative price quotes by telephone, in person, or in writing from at least three (3) vendors or contractors shall be solicited, unless:

(a) The Town Manager determines that the public interest would be best served by negotiated contract with a single vendor or contractor or with specific vendors or contractors possessing unique skills or products or by joint purchase with or from another unit of government; or

(b) The Town Manager determines that the public interest would be best served by obtaining the goods or services through the formal bidding process.

(2) In case of a declared or pronounced emergency affecting the public peace, health or safety, the Town Manager may waive all requirements for price quotes. In such cases, the Town Manager may direct the appropriate Department Director to procure emergency needs by informal, open-market procedures, at no more than current market prices, as expeditiously as possible.

Sec. 3-134. - Formal bidding required (in excess of \$25,000).

(1) Formal bidding procedures shall be followed when the amount of a purchase exceeds twenty-five thousand dollars (\$25,000.00), unless the Town Board determines that the public interest will be best served by negotiated contract with a single vendor or contractor or with specific vendors or contractors possessing unique skills or products, or by joint purchase with or from another unit of government.

(2) In case of a declared or pronounced emergency affecting the public peace, health or safety, the Town Manager, Mayor, or Board of Trustees may waive all requirements for formal bidding. In such cases, the Town Manager, Mayor, or Board of Trustees may direct the appropriate Department Director to procure emergency needs by informal, open-market procedures, at no more than current market prices, as expeditiously as possible. If the Town Manager or Mayor waived such requirements, the Town Manager or Mayor, as appropriate, shall present a full report of the circumstances necessitating the emergency action at the next Town Board meeting with the potential option to extend the waiver of requirements for formal bidding.

Sec. 3-135. - Formal bidding procedures and selection criteria.

- (1) When formal bidding is required pursuant to Section 3-134, at least ten (10) days prior to the deadline for receipt of bids, a request or invitation for sealed bids shall be published at least once in an area newspaper, sent to three (3) or more potential bidders, or posted via electronic solicitation.
- (2) The Board of Trustees or Town Manager may pre-qualify vendors or contractors who wish to bid on Town purchases and limit acceptance of bids from such pre-qualified entities when determined to be in the best interests of the Town.
- (3) Sealed bids shall be opened in public at the time and place stated in the public notice unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection.
- (4) After the bids have been reviewed, if the purchase will exceed the Town Manager's purchasing authority of twenty-five thousand dollars (\$25,000.00), the Town Manager shall submit a report to Town Board that contains an analysis of the bids, a recommendation for an award, and the reasons for the recommendation. The contract shall be awarded to the lowest responsible bidder meeting the bid specifications, unless it is determined that the public interest would be better served by accepting another bid. Unless otherwise prohibited by federal or state law, bidders which have maintained a physical location inside the limits of El Paso County for a period of more than 365 days prior to bid submission shall receive a two percent (2%) preference with respect to bid price and bidders which have maintained a physical location inside the limits of the Town of Green Mountain Falls for a period of more than 365 days prior to bid submission shall receive an additional two percent (2%) preference with respect to bid price.
- (5) In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:
 - (a) The bidder's skill, ability, and capacity to perform the services or to furnish the materials, equipment or supplies required;
 - (b) Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;
 - (c) The bidder's character, integrity, reputation, judgment, experience, and efficiency;
 - (d) The quality of the bidder's previous performance;
 - (e) The bidder's previous and current compliance with statutes, ordinances and rules relating to the purchase;
 - (f) The sufficiency of the bidder's financial resources necessary to perform the services or deliver the goods;
 - (g) The bidder's ability to provide future maintenance or service; and

(h) The number and nature of any conditions attached to the bid.

(6) All bids may be rejected if it is determined that such action is in the public interest. Negotiations may be entered into with one or more bidders in an attempt to adjust the services, products, or bid price as the Town deems in the public interest, and no additional bidding shall be necessary.

Sec. 3-136. - Amendments to purchase agreements.

(1) The Town Manager shall have authority to approve an amendment to a purchase agreement when the change order does not exceed ten percent (10%) of the original agreement price and combined with the original agreement does not exceed the approved appropriation for said purchase.

(2) All other amendments to a purchase agreement previously approved by Town Board shall be approved or ratified by Town Board.

Sec. 3-137. - Principles and ethics.

Every officer and employee of the Town is expressly prohibited from knowingly:

(1) Seeking or accepting any personal gift or money directly or indirectly, from any person, company, firm or corporation in connection with a purchase.

(2) Underestimating or exaggerating requirements to a prospective bidder for the purpose of influencing bids.

(3) Misrepresenting the quality of a bidder's products or services.

(4) Influencing the Town to make a purchase that will benefit the officer or employee, either directly or indirectly.

(5) Approving a purchase in which any employee, elected or appointed officer of the Town has an interest, without the approval of the Town Manager or Town Board.

(6) No single purchase transaction shall be subdivided for the purpose of circumventing the dollar value limitations of this Policy.

Sec. 3-138. - Special rules for procurements using federal funds.

(1) No local or geographical preference shall be given to any vendor for projects in which the Town will receive or anticipates seeking federal funds as reimbursement for or contribution toward a Town contract or project. However, nothing in this Subsection prevents the Town from requiring a vendor to comply with any applicable state licensing laws or from applying such preference when federal law expressly mandates or encourages it. When contracting for architectural or engineering services, geographic location may be considered, provided that such consideration leaves an appropriate number of qualified firms to compete for the contract.

(2) Whenever the Town will receive or anticipates seeking federal funds as reimbursement for or any other form of payment or contribution toward a Town contract

or project, the Town and any party contracting with the Town for such work shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- (a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- (d) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
- (e) Using the services and assistance of the small business administration, and the minority business development agency of the department of commerce; and
- (f) Requiring general contractors, if subcontracts are to be let, to take the affirmative steps listed in subsections (2)(a) through (2)(e) of this Section.

CHAPTER 4 – Franchises

ARTICLE I – Franchises

Sec. 4-1. – Authority to Franchise.

(a) Except as otherwise provided by the State law, all powers concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Board of Trustees.

(b) Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the Constitution and statutes which may be applicable to the Town as now in effect or as hereafter amended and shall be submitted to the vote of the people only if required by the State Constitution.

Sec. 4-2. - Existing Franchises.

All franchise ordinances of the Town in effect at the time that this Code is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

Sec. 4-3. - Term, Compensation, and Restriction.

No franchise, lease or right to use the streets or the public places or property of the Town shall be granted for a term which exceeds twenty (20) years, except as provided by ordinance hereafter enacted. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same. Such compensation shall be paid as provided and be subject to mutual periodic renegotiation, and failure to pay shall result in forfeiture of the franchise at the option of the Board of Trustees. This provision shall not exempt the grantee from any lawful taxation upon the property, nor from any license, charges or other impositions levied by the Board of Trustees.

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 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
____ 20__, TO THE ____ DAY OF ____ 20__, BOTH DAYS
INCLUSIVE.

IN TESTIMONY WHEREOF THE SIGNATURE OF THE TOWN CLERK IS
HEREUNTO AFFIXED THIS ____ DAY OF ____ 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; a 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 the Town Zoning 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 the year set forth thereon. To renew a license, Licensees shall apply to the Town on forms provided by the Town no later than November 1st of the year the license is set to expire on.

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

Any person operating, conducting or carrying on any business within the Town 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 salespeople, 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 2-61 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 6 - 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, parcel of land, or any other real or personal property 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 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.

(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, house trailers 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 non-household 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 dies 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 have caused 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.

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, 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 non-domesticated 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 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 respective animal shelter or veterinary clinic 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: two.
- (2) Cats: four.
- (3) Rabbits: six.
- (4) Pot-bellied pigs: three.
- (5) Ferrets: three
- (6) Reptiles (non-exotic): four.

(7) 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 31st 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 31st 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 an Animal Control Officer to impound any dog which is not wearing a dog tag as herein provided. It shall be lawful for an 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 an Animal Control Officer to take any impounded animal to an animal shelter.

(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 un-spayed 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 an 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 an 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 a local animal shelter 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 original 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 an 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 31st 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 1st 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 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 7 - Streets, Sidewalks and Public Property

ARTICLE I - Sidewalks, Curbs and Gutters

Sec. 7-1. - Authority of Board of Trustees generally.

The Board of Trustees is hereby authorized and empowered to construct and maintain sidewalks, curbs and gutters or any one (1) or more of such improvements and provide for the payment of the expense thereof by special assessments upon the adjacent or abutting property in the manner designated and provided by this Article.

Sec. 7-2. - Snow, ice and debris removal.

- (a) It is unlawful for the owner or occupant of any lot, parcel or tract of land within the Town to permit snow, ice, debris, rubbish or dirt to remain on the public sidewalk, curb or gutter on the street upon which such lot, parcel or tract of land abuts for a period exceeding 24 hours after the termination of the falling of the snow, or, in the case of debris, rubbish or dirt, for a period exceeding 24 hours from the time said debris, rubbish or dirt appeared on said sidewalk.
- (b) Every additional 24-hour period or fraction thereof during which said snow, ice, debris, rubbish or dirt remains on said sidewalk, curb, or gutter shall constitute a separate offense.
- (c) Violation of this Section is punishable pursuant to Section 1-42 of this Code.

Sec. 7-3. - Maintenance of sidewalks.

- (a) Whenever the owners of the frontage upon any sidewalk, curb, or gutter of any street or specified portion of any street within the Town, petition the Town for the construction of such sidewalk, curb or gutter, or whenever the Town shall decide that such improvements are necessary, the Town may order the construction of such sidewalk, curb or gutter.
- (b) The cost of construction of such sidewalk, curb or gutter shall be apportioned between the owners of the abutting property in proportion to the number of feet each owner has of property fronting or abutting upon such sidewalk, curb, or gutter. In the event the owner fails or refuses to pay such costs, the Town may assess the costs against the abutting property.
- (c) Whenever any owner of property within the Town refuses to install a sidewalk, curb, gutter, drainage culvert or curbside in accordance with the provisions of this Article, the Town, shall give notice directing the owner to install the same within ninety (90) days after receipt of the notice. In the event such notice shall not be obeyed, the Town may order the installation and construction of such sidewalk, curb, gutter or curbside and the costs and expenses thereof shall be assessed against and be a lien against such property.
- (d) Nothing in this section shall prevent the Town from paying some or all costs, if the Town deems it appropriate.

Sec. 7-4. - Collection of delinquent payments of assessments.

If the owner of any abutting property shall fail to pay to the Town Clerk the amount assessed against him or her for the construction of curbs, gutters or sidewalks within thirty (30)

days from the time that assessment is made, the Town Clerk shall certify the same to the County Treasurer, who shall place the same upon the tax list for the current year and collect the same in the same manner as other taxes, with ten percent (10%) penalty thereon to defray the cost of collection. Such assessments shall be and remain a lien upon such lots or parcels of land until paid by the owner.

Sec. 7-5. - Permit required; specifications.

It shall be unlawful for any person, other than those under contract with the Town, to construct, reconstruct, alter or repair any street, alley, sidewalk, curb, gutter or curbwalk without having first obtained a permit from the Town.

Sec. 7-6. - Application.

Every person desiring to construct, reconstruct, alter or repair, excavate or cut or trench, any streets, alleys, sidewalks, curbs, gutters or curbwalks shall apply to the Town for a permit therefor on a form provided by the Town including the following information:

- (1) The name, address and telephone number of the applicant and any contractor or subcontractor who will perform any of the work.
- (2) A plan depicting the proposed work, work site, public right-of-way boundaries, and all existing infrastructure in the area.
- (3) The dates for beginning and ending the proposed work, the proposed hours of work and the number of actual days required to complete the project.
- (4) Copies of all permits and licenses (including required insurance, deposits, bonds and warranties) required to perform the proposed work, whether required by Federal or State law or by Town resolution, ordinance or regulation.
- (5) The permit fee and, if applicable, a restoration fee.

The applicant shall update the permit application within ten days after any material change occurs. By signing the application, the applicant certifies that all work will be performed in compliance with the plans, specifications, and permit approved or furnished by the Town.

Sec. 7-7. - Permit fee.

A permit fee shall be paid to the Town prior to the issuance of said permit; provided, however, that said fee may be waived by the Town Clerk in his or her sole discretion in the event of small or minor installations or repairs.

Sec. 7-8. - Restoration Fee and Bond.

- (a) In addition to the permit fee, the Town shall determine an appropriate restoration fee at the time a permit is issued. All restoration fees collected by the Town shall be refunded to the permittee upon satisfactory inspection of the completed project.
- (b) Every person applying for a permit authorized by this Article and prior to the issuance thereof shall file a surety bond, good for one (1) year, in favor of the Town in the penal sum of one

thousand dollars (\$1,000.00) and conditioned upon the faithful performance of such work in strict compliance with the plans, specifications, rules, regulations and ordinances of the Town; that such person will forthwith repair or replace any defective or unskilled work; and that such person will indemnify and save harmless the Town against and from any and all damages or claims for damages, loss, costs, charges or expenses that may be brought against it by reason of such work. Said bond may be waived by the Town Clerk in his or her sole discretion in the event of small or minor installation or repairs.

Sec. 7-9. - Insurance.

A permittee under this Article must maintain liability insurance with minimum limits as required by the Town. The Town, its officers, agents and employees must be named as additional insureds on the policy, and a certificate of insurance shall be provided at the time of application. Workers' compensation, consistent with State law, may be required.

Sec. 7-10. - Indemnification.

Each permittee and his or her employees, representatives, agents, contractors, related entities, successors and assigns shall hold the Town harmless and defend and indemnify the Town, its successors, assigns, officers, employees, agents and appointed and elected officials, from and against all liability or damage and all claims or demands whatsoever in nature, and reimburse the Town for all its reasonable expenses, as incurred, arising out of any work or activity in the public right-of-way, including but not limited to the actions or omissions of the permittee, his or her employees, representatives, agents, contractors, related entities, successors and assigns, or the securing of and the exercise by the permittee of any rights granted in the permit, including any third-party claims, administrative hearings and litigation.

Sec. 7-11. - Barricades and lights.

Every person doing or causing to be done any of the work authorized by this Article shall keep the work barricaded at all times and, between the hours of sunset and sunrise, shall keep the same properly lighted as to warn all persons thereof.

Sec. 7-12. – Inspections.

The following inspections shall be the minimum required for a permit issued pursuant to the provisions of this Article:

(1) Pre-construction inspection. The Town shall conduct a pre-construction inspection to determine any necessary conditions for the permit.

(2) Completed work inspection. The permittee shall notify the Town immediately after completion of work, and the Town shall inspect the work within 15 days of the permittee's notification.

Sec. 7-13. – Time of completion.

All work covered by the permit shall be completed within the time period stated on the permit unless an extension has been granted by the Town in writing, in which case all work shall be completed within the time period stated in the written extension. Permits shall become void if

work has not commenced within 30 days after issuance unless an extension has been granted by the Town in writing.

Secs. 7-14—7-30. - Reserved.

ARTICLE II - Encroachments, Obstructions and Excavations

Sec. 7-31. - Maintenance.

It shall be the duty of all owners or occupants of every premises within the Town to keep the sidewalks, gutters, curbs and curbwalks in front of and adjacent to the tenements and grounds occupied by them in good repair, and free and clear of snow, ice, mud, dirt, debris, rubbish and filth.

Sec. 7-32. - Encroachments prohibited.

No encroachment or **obstruction whatever**, other than as provided by law, authorized by the Town, or by ordinance of the Town, shall be made or placed upon any street, alley, sidewalk, curb, gutter, curbwalk, or other public place within the Town.

Sec. 7-33. - Notice and removal of encroachments.

Whenever any encroachment or obstruction, including ice, snow, mud, dirt, debris, rubbish or filth, is made, located, permitted or maintained contrary to this Article, the Town shall give notice to the owner or occupant of the premises on which such encroachment or obstruction is located, directing such person to remove such encroachment or obstruction within forty-eight (48) hours after receipt of the notice. In the event such notice shall not be obeyed, the Town may order the removal of the encroachment or obstruction and the costs and expenses of such removal shall be assessed against the responsible person.

Sec. 7-34. - Permits required.

The space below the surface, upon the surface, and above the surface of public property may be used and occupied for any purposes not inconsistent with the provisions of this Article, other provisions of this Code, or other laws or ordinances regulating the use and occupancy of such public property; provided, however, that it shall be unlawful for any person to use or occupy such space, whether below, upon or above the surface of public property, or to construct any device or structure thereupon as hereinafter set forth except by and under the authority of a revocable permit in writing, granted by the Town and issued by the Town Clerk. The Town may impose terms and conditions relevant to the use of the applicable public space. It is unlawful for any person to use or occupy such space for any purpose other than that specifically provided for in such revocable permit or to use or occupy the space in a manner that violates the terms and conditions applicable to such space.

Sec. 7-35. - Application for permit.

An application for a revocable permit shall be filed with the Town on a form or forms provided by the Town.

Sec. 7-36. - Permit fees; renewals.

(a) The cost of each permit, to cover the cost of investigation and filing and not as rental for use of Town property, shall be as established by resolution of the Board of Trustees, payable to the Town Clerk upon issuance. Such permit shall not be refundable or proratable in the event of suspension or revocation.

(b) All revocable permits shall be renewable unless expressly declared to be nonrenewable on the face of the permit. Renewal shall be obtained from the Town Clerk upon payment of the required fee if the Town Clerk has not received any objections in writing concerning the revocable permit. If such objections are received, the Board of Trustees shall review the renewal request to determine whether the public interest will be jeopardized by renewal of the permit. If it finds that the public interest is jeopardized, the Board of Trustees shall refuse to renew the permit.

Sec. 7-37. - Permit term; expiration date.

All revocable permits shall expire on December 31st of each year. Renewal of revocable permits shall be requested prior to December 31st. If no request is made for renewal, such use, device or structure occupying public property shall be considered to have been discontinued and, if still remaining, will be removed at the expense of the permittee. An additional fee as established by resolution of the Board of Trustees will be charged for each late renewal.

Sec. 7-38. - Assignment of permit.

There shall be no assignment of any revocable permit, except by express authorization in writing by the Town. Such authorization shall not be withheld if the assignee complies with all the requirements of this Article.

Sec. 7-39. - Indemnification.

The permittee shall be responsible for any and all damages to property or injury to persons arising out of the exercise of the permit or the construction or installation of any device or structure thereunto appertaining, including the maintenance thereof, and the permittee shall indemnify and save harmless the Town and all its officers, agents or employees from all suits, actions or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by a person, persons or property on account of the exercise of the permit, or of any act or omission of the permittee, his or her agents or employees or on account of the failure of the permittee to maintain the structure or device or to provide necessary safety devices to ensure the safety of the public. The permittee shall defend against any such suit, action or claim and pay any judgment, with costs, which may be obtained against the Town, its officers, agents, or employees growing out of such injury or damage.

Sec. 7-40. - Additional provisions or conditions.

(a) The Town is authorized to impose on the permittee at any time additional conditions or provisions relating to the revocable permit for the use or occupancy of public property that are reasonable and necessary to protect the public health, safety, and welfare. Without limiting the generality of the foregoing, the Town may consider the requirement of a bond or cash deposit to assure the removal of any device or structure at the expiration of or in the event of revocation of

the permit, or to assure the completion of the work within the required time or restoration of the surface of the public space to the former conditions upon completion of installation of the structure or device for which the permit is requested.

(b) The Town is authorized to waive any of the provisions or conditions of this Article in respect to any revocable permit requested by any charitable, educational, nonprofit institution, organization or association whose request for a revocable permit is for a temporary use, device or structure.

Sec. 7-41. - Compliance with laws.

The permittee shall keep fully informed of, and comply with all federal and state laws and Town ordinances, including but not limited to the various construction codes of the Town as the same may be now or hereafter amended. The permittee shall at all times protect and indemnify the Town, its officers, agents and employees against any claim of liability arising from or based on violations of such laws, ordinances or regulations caused by any actions or omissions of the permittee arising out of the exercise of the permit.

Sec. 7-42. - Permit site.

The site or sites of the permitted use, occupancy, or both shall have adequate safeguards to protect the public against damage or injury, and shall be kept in a clean and orderly manner. Failure to maintain a safe, clean and orderly site shall be cause for suspension or revocation if such fault is continued or of aggravated nature.

Sec. 7-43. - Revocation of permits.

Any revocable permit may be revoked by the Town if such action is deemed to be necessary to protect the public safety, necessity or convenience in the use of public property. Notice shall be given in writing to the permittee at least fourteen (14) days before the effective date of revocation in order to allow the permittee to seek review of the decision by the Board of Trustees. Such notice requirement shall not limit the power of the Board of Trustees to summarily revoke any revocable permit if there is a present existing or imminent danger to the public health, safety or welfare.

Sec. 7-44. - Appeal procedures.

Any applicant for a revocable permit, or any person protesting such application who is aggrieved by the action or decision of the Planning Commission or Board of Trustees, may request a hearing to review said decision in front of the Board of Trustees. The request shall be in writing, shall be executed by the applicant, his or her agent or attorney, in duplicate, shall state and specify briefly the grounds for the request and shall be filed with the Town Clerk within ten (10) days after the Planning Commission or Board of Trustees action has been taken. The Board of Trustees shall then give public notice of the request and shall hold a public hearing. The hearing shall be *de novo* and all facts and circumstances shall be heard and considered. At the conclusion of the hearing, the Board of Trustees may deny or revoke the permit, order changes in the conditions and provisions of the permit, or order the issuance, continuance, or renewal of the permit.

Sec. 7-45. - Installation of mains.

It shall be the duty of every person and every utility company to install all mains, conduits, cables, poles and the like which may be deemed necessary for water, gas, sewer, storm drainage, telephone and electricity facilities prior to the installation, construction or paving of any streets, alleys, sidewalks and curbswalks.

Sec. 7-46. - Minimal interference with other property.

Work in the public right-of-way shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Facilities shall be located, constructed and maintained in such a manner as not to interfere with sewers, water pipes or any Town property, or with any other pipes, wires, conduits, pedestals, structures or other facilities that may have been laid in the public rights-of-way by the Town or under its authority. Facilities shall not unnecessarily hinder or obstruct the free use of the public rights-of-way or other public property. In no case shall more than one-half ($\frac{1}{2}$) of such street, alley or other public place be opened or excavated at any one (1) time, and, in all cases, one-half ($\frac{1}{2}$) of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half ($\frac{1}{2}$) is restored for safe use.

Sec. 7-47. - Permits required for parades, processions.

No funeral, procession or parade, excepting the forces of the United States Armed Services, the military forces of the State and the forces of the Marshal's and Fire Departments, shall occupy, march or proceed along any street or roadway except in accordance with a permit issued by the Town and such other regulations as are set forth herein which may apply.

Sec. 7-48. - Location and relocation of facilities in rights-of-way.

(a) The Town is empowered to preserve the physical integrity of its rights-of-way, control the order flow of vehicles and pedestrians, and efficiently manage the gas, electric, water, cable, broadband, telephone, and other facilities that are placed within its public rights-of-way. It is the Town's policy to efficiently use public rights of way for a variety of infrastructure and utilities in order to provide public services; advance the Town's goal of increasing opportunities for access to traffic control, communication, and broadband services; limit the frequency of street closures and cutting of public streets; and reduce road degradation caused by repeated boring and trenching of public rights of way. To this end, the Town requires all persons proposing work under this Chapter that involves directional boring or open trenching within a public right of way extending more than one hundred (100) feet in length to collocate and install Town conduit simultaneously with the work proposed. The Town will review all permit applications in a competitively neutral manner and make all permit decisions based on substantial evidence. The Town may, upon initial review of the permit application, determine that the proposed work does not demonstrate a need for collocation of Town infrastructure.

(b) If at any time the Town requests the permittee to relocate its facilities in order to allow the Town to make any use of rights-of-way, or if at any time it shall become necessary or convenient to move or change the permittee's facilities within or adjacent to streets or rights of ways in any manner, either temporarily or permanently, because of a change in the grade or by reason of the improving, repairing, constructing, or maintaining of any street or rights of way, by reason of

traffic conditions, public safety, by reason of installation of any type of Town utility facilities or other improvement, or by reason of any program from the undergrounding of such facilities, the Town shall notify the permittee at least ninety (90) days in advance, except in the case of emergencies, of the Town's intention to perform or have such work performed. The permittee shall thereupon, at its sole cost and expense, accomplish the necessary relocation, removal, or change within a reasonable time from the date of the notification, but in no event later than three (3) working days prior to the date the Town has notified the permittee that it intends to commence its work or immediately in the case of emergencies. Upon the permittee's failure to accomplish such work, the Town may perform such work at the permittee's expense and the permittee shall reimburse the Town within thirty (30) days after receipt of a written invoice. Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to construction by the permittee at the permittee's expense, and revised as-built plans submitted to the Town.

(c) The Town may require the relocation of facilities which are not installed in the approved location or corridor.

Secs. 7-49—7-60. - Reserved.

ARTICLE III - Street Numbering and Naming

Sec. 7-61. - Numbers required.

It is the duty of the owner or occupant of every building in the Town to number such building in accordance with the provisions of this Article and with the numbers assigned to each building. The Town shall assign proper numbers to unnumbered buildings. The expense of such numbering shall be paid by the owner or occupant of the building.

Sec. 7-62. - System of numbering.

In numbering the buildings upon the streets of the Town, all even numbers shall be on the south and east sides of each street or avenue and all odd numbers shall be on the north and west sides of each street or avenue; provided, however, that where said street or avenue shall curve or change direction, said street or avenue shall nevertheless be numbered in accordance with the principal direction thereof.

Sec. 7-63. - Placing numbers.

It shall be the duty of the owner or occupant of any building to place assigned numerals in a conspicuous position at the front of each building and, upon notice, such numerals shall be so placed within thirty (30) days after service of such notice.

Sec. 7-64. - Materials of numbers.

All numbers shall be of some metallic, glass, porcelain or other durable material, or gilt lettering on the inside of a glass transom or door, and shall be distinctly legible and at least three (3) inches in height.

Sec. 7-65. - Naming streets.

The Town shall have the power to name or rename any of the streets or public highways of the Town, and to divide or subdivide any of the streets, public highways or public lands into streets, roadways, gutters, sidewalks and parks.

Secs. 7-66—7-70. - Reserved.

ARTICLE IV - Public Parks

Sec. 7-71. - Town may establish parks.

The Town, which is incorporated under the laws of the State, shall have authority to acquire, establish and maintain in the manner provided for by state law, public parks or pleasure grounds, boulevards, parkways, avenues, and roads.

Sec. 7-72. - Definitions.

For the purposes of this Article, the following words, unless the context requires otherwise, shall have the following meanings:

- (1) *Park* means land that is owned or designated by the Town for public recreational use such as open space around the lake and swimming pool, playgrounds, trails, stream corridors, forestland and alpine meadows.
- (2) *Person* means any person, partnership, association, corporation, company or organization of any kind.

Sec. 7-73. - Reserved.

Sec. 7-74. - Destruction of park property.

It is unlawful to cut, mark, remove, break, climb upon or in any way injure, damage or deface the trees, shrubs, plants, turf, benches, tables, basketball goals and equipment, tennis nets or any of the buildings, fences, bridges, signs or other structures or property within or upon park premises; or in any other way injure or impair the natural beauty or usefulness of any park, trail or recreation area.

Sec. 7-75. - Private functions in the Gazebo.

- (a) Private functions such as weddings, receptions and similar activities are hereby authorized in the Town Gazebo; provided that an application to be furnished by the Town shall be submitted to the Town Clerk with a fee as established by resolution of the Board of Trustees, and the Town Clerk receives and approves the same and schedules the function so as not to conflict with any other such ceremony or any other activities scheduled for the Gazebo.
- (b) In the event that the Town Clerk refuses an application for a function in the Gazebo, the applicant shall have the right and opportunity to appeal such decision to the Board of Trustees at the next regularly scheduled meeting of the same.

(c) Permits will include exclusive use of the bridge and entire island during the period of the permit.

Sec. 7-76. - Erection of tents and buildings and camping.

(a) It is unlawful to build or place any tent, building, booth, stand or other structure in or upon any of the parks, parkways or other recreational facilities without first having obtained a permit to do so from the Town Clerk.

(b) It is unlawful to camp on park lands except by permit from the Town.

Sec. 7-77. - Fires prohibited.

(a) It is unlawful to build, attend, or use an open fire on any park land including campfires, warming fires and cooking fires except those contained in metal fire rings and grills installed by the Town and approved by the Fire District.

(b) It is unlawful to build fires in any place on park land during periods that the U.S. Forest Service rates the fire danger as very high or extreme for the Ute Pass area or fire restrictions have been declared by the Fire District or County Fire Marshal.

Sec. 7-78. - Riding of animals in public parks prohibited.

It shall be unlawful for any person to ride or lead any horse or other livestock in any public park, recreational area or trail except upon paths or other ways expressly provided and posted for that purpose.

Sec. 7-79. - Mobile vendors and peddlers.

It is unlawful to offer any goods, services or things for sale within parks, walkways or recreational facilities, or on the streets and sidewalks within three hundred (300) feet of the boundary of the same, without first having obtained a license or permit to do so as provided for under Section 5-71.

Sec. 7-80. - Vehicles prohibited on trails.

It shall be unlawful to operate any vehicles, motorized and nonmotorized, and mountain bikes on trails where marked prohibited, except for authorized Town vehicles or emergency vehicles.

Sec. 7-81. - Shooting prohibited.

It shall be unlawful to discharge any firearm on park land. Firearms shall include any pistol, revolver, rifle, shotgun, air gun, gas-operated gun, spring gun, B-B gun or other such type of device or any device capable of propelling a projectile.

Sec. 7-82. - Alcoholic beverages.

(a) It is unlawful for any person to consume or sell alcoholic liquor or beverages in any park at any time except where authorized by a special events permit.

Sec. 7-83. - Penalty.

The penalty fines for violations existing within this Section shall be in accordance with Section 1-42 of this Code.

Secs. 7-84—7-100. - Reserved

ARTICLE V - Public Land.

Sec. 7-101. - Factors to be considered in granting easements.

The following factors shall be considered in review by the Town of any request for an easement for use of public lands. Said factors shall not be exclusive, however:

- (1) Conformation with the Town Comprehensive Plan;
- (2) Adverse effects to the Town if an easement is granted;
- (3) Benefits to the Town if an easement is granted.

No decision by the Town to grant any said easement shall be controlling on any subsequent request for similar grants of public land.

Sec. 7-102. - Reasons for granting of easement.

The following reasons for granting of said easement shall be deemed sufficient justification for such grant;

- (1) Compensation due and payable to the Town for use;
- (2) Assistance to property owners who do not have clear title to their land due to an encroachment of their property upon public land and which purchase of said public property is not considered a feasible alternative by the Planning Commission and Board of Trustees;
- (3) Service of the health, safety and welfare of the inhabitants of the Town, or alternatively, lack of detriment or harm to the health, safety and welfare of the inhabitants of the Town.

Sec. 7-103. - Factors to be considered in sale of public land.

The following factors shall be considered in review by the Town of any request to purchase public lands. Said factors shall not be exclusive, however:

- (1) Conformation with the Town Comprehensive Plan;
- (2) Adverse effects to the Town if property is sold;
- (3) Benefits to the Town if property is sold.

No decision by the Town to sell any public land shall be controlling on any subsequent request for sale of public land.

Sec. 7-104. - Reasons for sale.

The following reasons for sale of public land shall be deemed sufficient justification for such sale;

- (1) Reduction in Town liability;
- (2) Increase in tax base;
- (3) Assistance to property owners who do not have clear title to their land due to an encroachment of their property upon public land.

Sec. 7-105. - Determination of fair market value for purchase.

The fair market value for public land may be determined by the Board of Trustees on an annual basis. Said value shall be based upon the average square footage price of undeveloped but developable lots located within the boundaries of the Town. Said fair market value shall be applied to the sale of any public land, unless the Board of Trustees determines, after hearing evidence from the petitioning party, that said value is not appropriate in the case of a specific proposed purchase. If the petitioning party wishes the application of any other square footage price, petitioning party shall bear any costs incurred in determining said applicable price.

Sec. 7-106—7-120. - Reserved.

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 Town 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. 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, 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, 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. - Gas 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 gas 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 electronic 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 which the residential parking permit is registered with the Town Clerk.

(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.

(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 twenty (20) blank one-day visitor permits per calendar year.

(d) Each 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 having 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 Town or its designee shall designate those residential areas within the Town as areas to be marked for residential parking.
- (b) The Town, or its designee, 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 near 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. – Paid 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 kiosk, as indicated by the sign accompanying such parking kiosk, 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. 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 kiosks 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 kiosks 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.

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. - 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.

Sec. 10-7. – 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. 10-8—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) It is unlawful to resist arrest by knowingly preventing or attempting to prevent a peace officer, acting 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.

Sec. 10-23. - Obstructing peace officer, marshal, firefighter, emergency medical services provider, rescue specialist or volunteer.

(a) A person commits obstructing a peace officer, marshal, firefighter, emergency medical service provider, rescue specialist or volunteer when, by using or threatening to use violence, force or physical interference or obstacle, such person knowingly obstructs, impairs or hinders the enforcement of 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.

Sec. 10-24. – Duty to aid; refusing to aid a peace officer.

It is unlawful for a person eighteen (18) years of age or older to, upon command by a person known to him or her to be a peace officer, unreasonably refuse or fail to aid the peace officer in effecting or securing an arrest or preventing the commission by another of any offense.

Sec. 10-25. - 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.

Sec. 10-26. - Resisting an officer; assisting an escape; rescuing a prisoner.

- (a) It 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 is 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.

Sec. 10-27. - 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
 - (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.

Sec. 10-28. - Interference with alarm system; false alarm.

It is unlawful for any person to damage or interfere with any fire alarm system or appliance or any part of the same. It is unlawful for any person to make or give a false alarm of fire.

Sec. 10-29. - Impersonating an officer, Town officer, or employee.

(a) It is 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 is 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) It 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.

(d) It is 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. 10-30. - Escape.

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, to knowingly escape from said custody or confinement.

Sec. 10-31. - 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.

(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.

(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.

Secs. 10-32—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.

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.

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.

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.

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.

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. 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.

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 one thousand dollars (\$1,000.00), and:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value;
- (2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;
- (3) Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or
- (4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.

Sec. 10-93. - 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. - 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 one thousand dollars (\$1,000.00).

Sec. 10-95. - 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.

(b) A person commits the crime of third degree criminal trespass if he or she unlawfully enters or remains in or upon premises.

Sec. 10-96. - Second degree criminal tampering.

Except as provided in Section 10-97, a person commits the crime of 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.

Sec. 10-97. - 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. - Damaging 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 one thousand dollars (\$1,000.00) or more, is effected by means of fire or explosives or is otherwise feloniously caused.

Sec. 10-99. - 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. 10-100. - Defacing posted notice.

It is unlawful for any person to knowingly mar, destroy or remove any posted notice authorized by law.

Sec. 10-101. - 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 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. 10-102. - 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.
- (b) It is an affirmative defense that a peace officer in the performance of his or her duties reasonably used a noxious substance.

Secs. 10-103—10-120. - Reserved.

ARTICLE VI - Offenses Involving Fraud

Sec. 10-121. - 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 one thousand dollars (\$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 any person authorized to investigate or prosecute a charge under this Section.

Secs. 10-122—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 C.R.S. § 18-18-102, and 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.

(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 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) 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.

Sec. 10-143. - 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 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.

- (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. 10-146—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.

(3) *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.

(4) *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.

(5) *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.

(6) *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 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.

Sec. 10-163. - Regulations concerning alcoholic beverages.

- (a) It 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 is unlawful for any minor under twenty-one (21) years of age to possess or consume ethyl alcohol in the Town.
- (c) It is 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.

Sec. 10-164. - 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. 10-165. - 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.

Secs. 10-166—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.

Sec. 10-192. - Storage of flammable liquids.

It 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.

Sec. 10-193. - Abandoned containers, wells or cisterns.

It 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 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.

It is 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. - 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 is unlawful to assault another person.

Sec. 10-196. - 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) 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; 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) 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. 10-197. - 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.

Sec. 10-198. - 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.

Sec. 10-199. - 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 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 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.

Sec. 10-200. - Hindering transportation.

It is unlawful for any person to knowingly and without lawful authority forcibly stop and hinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association or corporation.

Sec. 10-201. - 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.

Secs. 10-202—10-230. - Reserved.

ARTICLE X - Offenses Relating to Weapons

Sec. 10-231. - Unlawfully carrying a concealed weapon.

(a) It is unlawful for a person to knowingly:

(1) Carry a knife with a blade exceeding 3.5" concealed on or about his or her person;
or

(2) Carry a firearm concealed on or about his or her person.

(b) It 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.

It is unlawful for any person to:

(1) Knowingly and unlawfully aim a firearm at another person;

(2) Recklessly or with criminal negligence, discharge a firearm or shoot a bow and arrow;

(3) Knowingly set a loaded gun, trap or device designed to cause an explosion upon being tripped or approached, and leave it unattended by a competent person immediately present; or

(4) Have in their possession a firearm while 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.

Secs. 10-233—10-250. - Reserved.

ARTICLE XI - Offenses Relating to Minors

Sec. 10-251. - Juvenile loitering during nighttime hours.

(a) It 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, except when traveling to and from place of employment. 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.

Sec. 10-252. - Juvenile loitering during nighttime hours; parental responsibility.

(a) It 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.

Sec. 10-253. - Parent or guardian aiding, abetting.

It 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. 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. - Services of others.

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

Sec. 10-255. - Loitering and other acts in or about schools.

It is unlawful for any person to loiter, idle, wander, stroll or play in, about or on any public, private or parochial school, college or seminary grounds or buildings, either on foot or in or on any vehicle, without having some lawful business therein or thereabout or in connection with such school or the employees thereof, or for any person to:

(1) Annoy, disturb or otherwise prevent the orderly conduct of classes and activities of any such school;

(2) Annoy, disturb, assault or molest any student or employee of any such school, college or seminary while in any such school building or on any school grounds;

(3) Conduct himself or herself in a lewd, wanton or lascivious manner in speech or behavior in or about any school building or school grounds; or

(4) Park or move a vehicle in the immediate vicinity of or on the grounds of any such school, college or seminary for the purpose of annoying or molesting the students or employees thereof or in an effort to induce, entice or invite students into such vehicles for immoral purposes.

Secs. 10-256—10-270. - Reserved.

ARTICLE XII - Noise

Sec. 10-271. - 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, 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 is 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. 10-272. - Waiver.

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. 10-273. - Sirens, whistles, gongs and red lights.

It 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. 10-274. - Mufflers.

It 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 is unlawful for any person operating any motor vehicle to use a cut-out, bypass or similar muffler elimination appliance.

Secs. 10-275—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, 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. – Fireworks prohibited.

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.

Sec. 10-293. - Unlawful to sell or use.

Except as otherwise provided in this Article, it 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. 10-294. - 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. 10-295. - 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. 10-296. - 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.

Sec. 10-297. - 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.

Sec. 10-298. - 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 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—10-320. - Reserved.

ARTICLE XIV - 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.

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.

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 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 recreational vehicles or trailers may be maintained and which 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 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 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 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 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 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 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 - Restriction of all Open Fires and Open Burning

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 10-292.

(3) Launching of model rockets.

(4) Portable wood burning firepits or fire rings.

(5) Chimineas.

(6) 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 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 Town 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. The penalties for violation of this adopted Code are as set forth in in Section 1-42 of this Code.

Secs. 10-336—10-340. - Reserved.

CHAPTER 11 - Annexation

ARTICLE I - Licensing Generally

Sec. 11-1. - Applications.

Annexations to the Town shall comply with the requirements of the Municipal Annexation Act of 1965, Section 31-12-101, *et seq.*, C.R.S., as amended, and any supplemental requirements set forth in this Article.

Sec. 11-2. - Planning Commission Review.

The Planning Commission shall review and comment on the proposed annexation for consistency with the Comprehensive Plan and provide a recommendation to the Board of Trustees.

Sec. 11-3. - Submittal Requirements.

A petition for annexation shall include all documents required by the Municipal Annexation Act of 1965, the standard submittal requirements for development plans set forth in the Zoning Code and the following:

- (a) Appropriate fee;
- (b) Evidence that the property can be served by public sewer, water and storm drainage services;
- (c) Proposed zoning;
- (d) A draft annexation agreement;
- (e) Water rights conveyance agreement or cash-in-lieu; and
- (f) Any other information deemed necessary by the Manager.

Sec. 11-4. - Required dedications.

- (a) The petitioners shall dedicate or agree to dedicate sufficient land and rights-of-way to the Town for public streets and alleys as set forth in the standards and specifications of the Town and the Comprehensive Plan.
- (b) The petitioners shall dedicate or agree to dedicate sufficient and unobstructed rights-of-way for utility easements and storm drainage to serve the proposed development. The petitioners shall also agree to pay utility or system development fees and tap fees as developed by the Town or appropriate special districts.
- (c) The petitioners shall dedicate or agree to dedicate to the Town or pay cash-in-lieu at the time of platting, land to be used for public purposes.
- (d) The petitioners shall assign to the Town all rights, title and interest in any water rights associated with the property and in all water located beneath the property to be annexed or pay cash-in-lieu for such water rights at the time of platting.
- (e) The petitioners shall be required to construct all roads, utilities and other improvements at their sole expense and according to the requirements, standards and specifications of the Town. Connection of such improvements to existing Town systems or the dedication of such improvements to the Town shall be at the Town's convenience.

EIAF A-0124 – Green Mountain Falls Land Use Code

EIAF

POGG1 NLAA 2021*2303

SMALL DOLLAR GRANT AWARD Amendment #1

SIGNATURE AND COVER PAGE

State Agency Department of Local Affairs	DLG Number F21SA0124	Option Letter CMS Number 172523
Grantee Town of Green Mountain Falls	Previous CMS #(s) 164117	
Project Number and Name EIAF A-0124 – Green Mountain Falls Land Use Code	Grant Amount Initial Award: \$25,000.00 CA#1 11/17/2021: \$0.00 Total Grant Amount: \$25,000.00	
DOLA Regional Manager <u>Clay Brown, (303) 273-1787, (clay.brown@state.co.us)</u> DOLA Regional Assistant <u>Robert Thompson, (970) 290-2381,</u> <u>(robert.thompson@state.co.us)</u>	Prior Grant Award Expiration Date December 31, 2021	Current Grant Award Expiration Date June 30, 2022

THE PARTIES HERETO HAVE EXECUTED THIS OPTION LETTER

Each person signing this Option Letter represents and warrants that he or she is duly authorized to execute this Option Letter and to bind the Party authorizing his or her signature.

STATE OF COLORADO
Jared S. Polis GOVERNOR
Colorado Department of Local Affairs

DocuSigned by:
By: Rick M. Garcia - DOLA
8139CF536BC34AC...
Rick M. Garcia, Executive Director
Date: 11/18/2021 | 6:58 PM MST

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

In accordance with Colorado Revised Statutes, this Grant Amendment is not valid until signed and dated below by the State Chief Procurement Officer or an authorized delegate (the "Effective Date").

STATE CHIEF PROCUREMENT OFFICER
Sherri Maxwell

DocuSigned by:
By: Brenda Lujan
A30294D6FBFF442...
By: Brenda Lujan, Contracts and Procurement Manager
Department of Local Affairs
Effective Date: 11/24/2021 | 3:52 PM MST

EIAF A-0124 – Green Mountain Falls Land Use Code

AMENDED SCOPE OF SERVICES

1. PROJECT DESCRIPTION, OBJECTIVES AND REQUIREMENTS

The Project consists of the **Town of Green Mountain Falls** (Grantee) updating their Land Use Code. The update will consider goals outlined in the Town's 2019 Comprehensive Plan and include community outreach.

Eligible expenses include consultant fees, RFP/bid advertisements, and attorney's fees.

Grantee shall provide **\$25,000 in matching funds** to the Project. State shall reimburse its pro-rata share upon review and approval of the submitted costs and associated supporting documentation, and commensurate progress of the Project.

☐ Construction plans and specifications have been drawn up by a qualified engineer or architect licensed in the State of Colorado, or pre-engineered in accordance with Colorado law, and hired by the Grantee through a competitive selection process.

☒ A contract shall be awarded to a qualified firm through a formal RFP or competitive selection process.

Copies of any and all contracts entered into by the Grantee in order to accomplish this Project shall be submitted to the Department of Local Affairs upon execution, and any and all contracts entered into by the Grantee or any of its subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

2. RESPONSIBLE ADMINISTRATOR

Contractor's performance hereunder shall be under the direct supervision of **Angie Sprang, Town Manager (manager@gmfco.us)**, an employee or agent of Grantee, who is hereby designated as the responsible administrator of this Project.

3. TIME OF PERFORMANCE

The Project shall commence upon the issuance of this Small Dollar Grant Award and shall be completed on or before ~~December 31, 2024~~ **June 30, 2022**.

4. BUDGET

Line #	Budget Line Type/Project Activities	Total Cost	State Funds	Other Funds	Other Fund Source
1	Consultant Services	\$50,000	\$25,000	\$25,000	Grantee Cash
	Total	\$50,000	\$25,000	\$25,000	

5. W-9 and PAYMENT METHOD

W-9.	<input type="checkbox"/> 1. Grantee has submitted their W-9 form to Denver directly (<u>email to Beth</u>) <input checked="" type="checkbox"/> 2. Grantee's W-9 form is being sent with this SCOPE form
Payment Method.	<input type="checkbox"/> A. Grantee wants to receive their payment by EFT <input type="checkbox"/> Grantee has submitted their completed EFT forms to Denver directly (<u>email to Beth</u>) <input type="checkbox"/> Grantee's completed EFT forms are being sent with this SOP form <input checked="" type="checkbox"/> Grantee is already set up for EFT in CORE: Provide name of Grantee's bank <u>and</u> last four# of account number where EFT payment should be sent: <u>Park State Bank & Trust #6072</u> <input type="checkbox"/> B. Grantee declines EFT/wants to receive their reimbursement in the form of a snail-mailed WARRANT (check)

VCUST#: 14155

Address code: CN001

Payment method: EFT



COLORADO
Department of Local Affairs
Division of Local Government

November 24, 2021

The Honorable Jane Newberry, Mayor
Town of Green Mountain Falls
P.O. Box 524
Green Mountain Falls, CO 80819

RE: EIAF 9436 - Green Mountain Falls Comprehensive Roads Plan

Dear Mayor Newberry:

Congratulations! After thorough review, I am excited to offer a grant award in the amount of \$52,150 to assist with the above mentioned project.

Your project was reviewed based on a variety of factors such as its connection to energy impact, degree of need, measurable outcomes, amount of request, relationship to community goals, level of local match and community support, management capacity, resiliency and readiness to go. Competition for these limited funds is intense and we are seeing great demand.

These grant funds will be from state severance tax proceeds, which may cause you to go to election to receive and spend them. You should confer with your legal and budget advisors to determine if such an election is necessary.

Please contact your DOLA Regional Manager, Clay Brown, at 303-273-1787 for information on how to proceed. Expenditure of State funds prior to the contract being fully executed cannot be included in the contract budget or reimbursed by the State. Per our program guidelines, this offer is valid for one year from the date of this letter.

I wish you success with your project. Thank you for helping Colorado build an economy where all Coloradans can thrive.

Sincerely,

Rick M. Garcia
Executive Director

cc: Dennis Hisey, State Senator
Terri Carver, State Representative
Angie Sprang, Town of Green Mountain Falls
Clay Brown, DOLA



Financial Services Department

Amanda Grant, ARPA Project Manager

O: 719-520-6467
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

December 3, 2021

Ute Pass Triangle Chamber of Commerce
Attn: Katharine Guthrie
P.O. Box 592
Green Mountain Falls, CO 80819

Dear Katharine,

On behalf of El Paso County and its Economic Development Oversight Committee, I am pleased to inform you that your application for the 501(c)(6) Chambers of Commerce and Business League Organizations, or any Non-lobbying 501(c)(4) with an Economic Development Driven Mission grant assistance program has been selected to be funded.

The objective of the grant program is to aid eligible 501(c)(6) and 501(c)(4) organizations who have realized increased and new expenditures due to COVID-19. Eligible expenditures incurred will be “due to” the public health emergency and must be used for actions taken to respond to the public health emergency and any necessary economic recovery efforts.

Please note that your grant award has been funded by Federal American Rescue Plan Act Funding approved by El Paso County for 501(c)(6) Chambers of Commerce and Business Leagues, or any Non-lobbying 501(c)(4) with an Economic Development Driven Mission Relief Funding.

El Paso County Administration approved the award of one hundred ten thousand seven hundred dollars (\$110,700) for the eligible expenses described in your application, including:

- \$24,600 for Website / Business Directory
- \$10,000 for Bronc Day
- \$10,200 for Events to Bring Tourism to the Green Mountain Falls Area
- \$27,000 for Local Business Video Spots
- \$8,900 for Grant Management and Oversight
- \$30,000 for Digital Signage that will Advertise Local Events for Small Businesses

In order for El Paso County to release grant funds to your organization, the County requires a current signed copy of your W-9 and that your DUNS registration with Sam.gov be up to date. If you have not provided a signed W9 less than 12 months old, please provide it to arparequests@elpasoco.com. Prior to your grant fund release, a subrecipient agreement must be executed by all parties. El Paso County will be emailing your organization's agreement next week.

By accepting these grant funds, you agree that your organization:

1. Will only utilize the funds as prescribed in this award letter.
2. Will provide documented receipts and other supporting documentation reflecting expenditure of grant funds.
3. Will provide requested quarterly reports in a timely manner.
2. Will complete and submit a Completion and Economic Impact Report to arparequests@elpasoco.com within 30 days of the grant funds being fully expended.
3. Acknowledges that this grant award is funded through the Federal American Rescue Plan Act Funding, approved by El Paso County for 501(c)(6) Chambers of Commerce and Business League organizations, or any non-lobbying 501(c)(4) with an economic development driven mission.

Please do not hesitate to contact us if you have further questions.

Thank you,

A handwritten signature in black ink, appearing to read "Amanda Grant". The signature is fluid and cursive, with a horizontal line extending from the end.

Amanda Grant
ARPA Project Manager
El Paso County, Colorado
(719)520-6467
amandagrants@elpasoco.com



Green Mountain Falls
COLORADO
OFFICE OF THE TOWN MANAGER

10516 Green Mountain Falls Road
PO Box 524
Green Mountain Falls, CO 80819
www.gmfco.us

Have you ever considered running for office?

**The Town of Green Mountain Falls Board of Trustees
will have the following seats open
at its April 5, 2022 election:**

Mayor	One seat	Two-year term
Trustee	Three seats	Two four-year terms and One two-year term

Come to a candidate orientation session and learn more:

**January 4, 2022
5:00 p.m.
Town Hall
10615 Green Mountain Falls Road**