

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 11, SERIES, 2015**

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


Be It Ordained by the Board of Trustees of the Town of Timnath, Colorado:

Section 1. The Code entitled the Timnath Municipal Code published by Municipal Code Corporation, consisting of Chapters 1 through 18, with Tables and Index, is adopted.

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are inconsistent with the provisions of the Timnath Municipal Code, to the extent of such inconsistency, are hereby repealed.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established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

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

- (1) The most recent edition of the *Model Traffic Code for Colorado*, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.;
- (2) The *International Building Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-1-10, et seq.;
- (3) The *International Residential Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-2-10, et seq.;
- (4) The *National Electrical Code*, adopted by the State of Colorado, as adopted in Section 18-3-10;
- (5) The *International Mechanical Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-4-10, et seq.;
- (6) The *International Plumbing Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-5-10, et seq.;
- (7) The *International Fire Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-6-10, et seq.;
- (8) The *International Fuel Gas Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-7-10, et seq.;
- (9) The *International Existing Building Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-8-10, et seq.;
- (10) The *International Energy Conservation Code*, 2009 edition, published by the International Code Council, as adopted and amended in Section 18-9-10, et seq.; and
- (11) The *International Property Maintenance Code*, 2012 edition, published by the International Code Council, as adopted and amended in Section 18-10-10, et seq.

 **Please Return to:**
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

Section 4. The penalties provided by the Municipal Code of the Town of Timnath are hereby adopted as follows:

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

(a) Unless otherwise specifically provided, whenever in this Code or any other ordinance of the Town or any order, rule or regulation promulgated under the provisions of this Code or other ordinance of the Town, any act is prohibited, made or declared to be unlawful, an offense, nuisance or misdemeanor, where no specific penalty is provided therefor, any person who is convicted of the violation of any such provision of this Code or other ordinance of the Town or of such orders, rules or regulations shall be punished by a fine of not more than the maximum misdemeanor amount recognized under Title 13, C.R.S., or by imprisonment for a period not exceeding one year, or both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees.

(b) Except as hereinafter provided, every person convicted of a violation of the Model Traffic Code for Colorado, as adopted by this Code, shall, in addition to administrative court costs which may be imposed, be punished by a fine not exceeding the maximum misdemeanor amount recognized under Title 13, C.R.S.; except any person convicted of violating Section 1101, Speed limits, when such person exceeded the lawful speed limit by 20 miles per hour or greater; Section 1105, Speed contest; Section 1401(1), Reckless driving; Section 1409, Compulsory insurance; or Section 1413, Eluding or attempting to elude a police officer, all being violations of the Model Traffic Code for Colorado as adopted by the Town, shall be punished by a fine not exceeding the maximum misdemeanor amount recognized under Title 13, C.R.S., or by imprisonment not exceeding one year, or by both fine and imprisonment.

(c) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person and shall be punished accordingly.

(2) Sec. 1-4-30. Application of penalties to juveniles. (Chapter 1, General Provisions; Article 4, General Penalty)

Every person who, at the time of commission of the offense, was at least ten but not yet 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 as set forth in Subsection 1-4-20(a) above 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. No such person shall be subject to imprisonment for a violation of any provision of this Code.

(3) Sec. 1-4-40. Fines and penalties; plea of guilty or nolo contendere. (Chapter 1, General Provisions; Article 4, General Penalty)

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.

(4) Sec. 1-4-50. Altering or tampering with Code; penalty. (Chapter 1, General Provisions; Article 4, General Penalty)

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who shall alter or tamper 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 1-4-20 of this Article.

(5) Sec. 1-4-60. Penalty for violations of ordinances adopted after adoption of Code. (Chapter 1, General Provisions; Article 4, General Penalty)

Any person who violates 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 1-4-20 or 1-4-40 of this Article unless another penalty is specifically provided for the violation.

(6) Sec. 2-4-20. Contempt power. (Chapter 2, Administration; Article 4, Municipal Court)

(a) When the Municipal Court finds any person to be in contempt, the Municipal Court may vindicate its dignity by imposing on the contemnor a fine not to exceed \$1,000.00 and imprisonment not to exceed a term of 30 days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

(7) Sec. 4-3-160. Assessment, penalties and interest. (Chapter 4, Revenue and Finance; Article 3, Sales Tax)

....

(d) *Failure to file penalty.* If a person, taxpayer or vendor neglects or refuses to make a return as required in this Article or fails to pay any sales or use tax as required in this Article, and/or unless the taxpayer shows that his or her failure to comply fully with this Article is due to reasonable cause, which the taxpayer may prove in a hearing requested pursuant to this Article, the Director shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the greater of the sum of \$10.00 or ten percent thereof, and interest on such delinquent taxes at the rate of one percent per month from the date when due.

....

(f) *Penalty for fraud.* If any deficiency in taxes paid is due to fraud with the intent to evade the tax, there shall be added, instead of the penalty prescribed in Subsection (d) above, a penalty of 100 percent of the total amount of the deficiency to the assessment required by Subsection (a) above. Interest on such deficiency shall accrue and be collected at a rate of one percent per month on the amount of such deficiency from the date the return was due.

(g) *Special penalty for repeated enforcement.* In an assessment issued to a person, vendor or taxpayer against whom enforcement proceedings have been commenced in the past, a special penalty, in addition to all others provided in this Article, shall also be assessed. This special penalty shall be equal to the greater of \$250.00 or 25 percent of the tax deficiency. For purposes of this Subsection, enforcement proceedings means:

- (1) Issuance of a distraint warrant;
- (2) Filing of a lawsuit in the district or county court; or
- (3) Three occurrences of the revocation of the person's, vendor's or taxpayer's license by the Director, issuance of a summons to Municipal Court for the nonpayment of taxes, or a combination of revocations and summonses.

(h) *Director may waive penalty.* The Director is hereby authorized to waive, for good cause shown, any penalty assessed as provided in this Article. Interest imposed in excess of nine percent per annum shall be deemed a penalty. If the Director finds that a taxpayer has, in good faith, paid tax to a vendor, the Director is hereby authorized to abate the interest and penalty in its entirety.

(i) *Interest and penalty assessment.* Interest and penalties ascribed under this Article shall be paid upon notice and demand and shall be assessed, collected and paid in the same manner as the tax to which it is applicable. If any portion of a tax is satisfied by credit of an overpayment, no interest or penalty shall be imposed under this Section on the portion of the tax so satisfied.

(8) Sec. 5-2-500. Assessment of monetary damages. (Chapter 5, Franchises and Communication Systems; Article 2, Cable Television Franchise)

(a) Upon completion of the procedures set forth above in Section 15-2-495 above, and from the date of the Town's order pursuant to Subsection 15-4-495(c), and after all appeals have been exhausted, the Town may assess against and collect from the Grantee monetary damages as follows:

(1) For failure to complete construction of the cable system in accordance with Subsection 5-2-450(a) above: \$500.00 per day.

(2) For failure to restore damaged property; failure to render payment for reimbursement of any franchise-required expenses; failure to comply with requirements of Division 4 for PEG obligations or capital grants; failure to pay liquidated damages; or failure to file, obtain or maintain the required performance bond or other security instruments in a timely fashion:

<i>Days</i>	<i>Assessment</i>
First 30 days	\$ 75.00
Days 31—60	100.00
Days 61—90	150.00
Days 91—120	250.00

(3) For violation of technical standards established by the FCC or other lawful authority; failure to pay franchise fees when due; or for any other violation of a monetary obligation to the Town contained in Section 5-2-85, 5-2-95, 5-2-60, 5-2-155, 5-2-160, 5-2-215, 5-2-240 or 5-2-565:

<i>Days</i>	<i>Assessment</i>
First 30 days	\$ 50.00
Days 31—60	75.00
Days 61—90	150.00
Days 91—120	250.00

(4) For failure to provide complete and accurate information, reports or filing lawfully required under this agreement or applicable law:

<i>Days</i>	<i>Assessment</i>
First 30 days	\$ 50.00
Days 31—60	75.00
Days 61—120	100.00

(5) For any other material violation of this agreement not itemized herein for which the Town sustains actual damages that are in an amount not readily ascertainable:

<i>Days</i>	<i>Assessment</i>
First 30 days	\$ 50.00
Days 31—90	75.00
Days 91—210	100.00

In no event shall monetary damages be assessed for a period exceeding 120 days.

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(9) Sec. 6-1-170. Penalty. (Chapter 6, Business Licenses and Regulations; Article 1, Licenses Generally)

Failure to comply with the terms of this Division shall constitute a civil infraction. Any person who is found guilty of or pleads guilty or nolo contendere to the violation of any section of this Division shall be punished in accordance with the provisions of Section 1-4-20 of this Code. For each day or portion thereof during which any violation continues, a person may be cited for a separate civil infraction. The penalties specified in this Section shall be cumulative, and nothing shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties, including an action at law or equity.

(10) Sec. 6-1-250. Penalty. (Chapter 6, Business Licenses and Regulations; Article 1, Licenses Generally)

Any person convicted of violation of this Division shall be punished in accordance with the provisions of Section 1-4-20 of this Code; provided, however, that no person under the age of 18 years shall be subjected to imprisonment for violation of this Article. Nothing in this Section shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties, including an action at law or equity.

(11) Sec. 6-2-70. Suspension or revocation; fine. (Chapter 6, Business Licenses and Regulations; Article 2, Alcoholic Beverages)

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

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the retail licensee has not had his or her license suspended or revoked, or had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

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

....

(f) If the Local Licensing Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Local Licensing Authority.

(12) Sec. 6-3-100. Disciplinary procedures, violations and penalties. (Chapter 6, Business Licenses and Regulations; Article 3, Contractor Licenses)

(a) When the Building Official determines that a contractor has committed any violation of this Article, the Building Official may order a suspension of all privileges granted under such license or certificate pending a hearing by the Town Manager. Such suspension shall not exceed a period of 15 days following the first commission of any such act and shall become effective immediately or when otherwise determined by the Building Official. Such 15-day suspension limitation shall not apply to any subsequent commission of any such act. Notification of said suspension shall be in writing and shall be promptly delivered to the certificate holder or an authorized person listed on such license application, by certified mail to the last known address or by personal delivery. The notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the contractor of the right to appeal the decision of the Building Official to the Town Manager. A copy of any such suspension shall be placed in the public record of the contractor. Failure of any such person to receive such notification of suspension shall not invalidate any suspension imposed hereunder. The Town Manager shall have the power to suspend, revoke or take other disciplinary action on any license or certificate when the Town Manager determines that a holder thereof has committed any of the following:

(1) Knowing or deliberate disregard of this Article, the Building Code or any other code adopted by the Town related to a specific construction project under the responsibility of the contractor.

(2) Failure to comply with any lawful order of the Building Official.

(3) Misrepresentation of a material fact in obtaining a building permit or contractor's license.

(4) Employing subcontractors to perform construction for which a contractor's license is required under this Article when such workers are neither employees nor exempt as defined under this Article.

(5) Requesting repeated inspections when such inspections reveal that the work performed by the contractor fails to comply with the Building Code and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the contractor either is negligent, not providing adequate supervision or not qualified to perform or supervise the work.

(b) When a contractor's license is revoked, the holder shall not be granted another contractor's license without approval of the Town Manager. After revocation, the Town Manager, in deciding whether to approve a new contractor's license, shall determine whether the applicant has demonstrated that any governmental disciplinary actions that have been taken against any contractor's license currently or previously held by the applicant have resulted in the rehabilitation of the applicant to good and disciplined character for lawful conduct as a contractor. When the Town Manager suspends a contractor's license, the Town Manager shall state the period and conditions of the suspension.

(c) In addition to the suspension or revocation of a contractor's license by the Town Manager as provided herein, any person violating any of the provisions of this Article, any lawful rule or regulation of the Town Council or any lawful order of the Building Official or the Town Manager shall be deemed guilty of a misdemeanor and subject to the penalties set forth in this Code.

....

(13) Sec. 6-6-70. Penalty. (Chapter 6, Business Licenses and Regulations; Article 6, Special Use Permits)

Any person convicted of violation of this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code; provided, however, that no person under the age of 18 years shall be subjected to imprisonment for a violation of this Article. Nothing in this Section shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties, including an action at law or equity.

(14) Sec. 7-1-210. Violations and penalties. (Chapter 7, Health, Sanitation and Animals; Article 2, Administration and Abatement of Nuisances)

Any person who violates any provision of this Chapter, unless otherwise provided herein, shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(15) Sec. 7-7-70. Violations; penalties. (Chapter 7, Health, Sanitation and Animals; Article 6, Open Fire and Burning Restrictions)

A violation of any provision of this Article shall be punishable by a fine of not more than \$500.00, plus court and administrative costs, as applicable. Each violation shall be deemed a separate offense for purposes of assessing a fine.

(16) Sec. 7-9-530. Reclamation of certain animals restricted or prohibited. (Chapter 7, Health, Sanitation and Animals; Article 9, Animals)

The following restrictions or prohibitions shall apply to the reclamation of the following impounded animals:

(1) Animals which are or appear to be vicious may not be reclaimed unless and until a judgment of dismissal is entered by the Municipal Court on the vicious animal charge or, upon a judgment of guilty or no contest, the Municipal Court orders the animal released for the purpose of immediately transporting the animal outside of the Town. Animals released under court order for the purpose of immediately transporting the animal outside of Town shall have a microchip implant or tattoo identifying the animal as being banned from the Town. The cost of the microchip or tattoo shall be paid by the owner.

(2) If an animal was impounded on the basis of a violation of any provision of Section 7-9-230, 7-9-270 or 7-9-330 of this Article, then the notice required by Section 7-9-510 of this Article shall include a statement, in writing, that the animal will be disposed of if the owner or keeper does not request a hearing with the Town Manager within ten days of the date of the notice. If a hearing is requested, the Town Manager shall schedule it to occur within five business days and shall give notice of the same to the person requesting the hearing. If, at the conclusion of the hearing, the Town Manager determines that the animal was being kept in violation of any provision of Section 7-9-230, 7-9-270 or 7-9-330, the Town Manager may order the animal disposed of in the manner provided in Section 7-9-550 and not returned to its owner or keeper. Alternatively, if the Town Manager determines that, due to changed circumstances, the animal's health and the public health, safety and welfare

will not be endangered thereby, the Town Manager may order the animal returned to its owner or keeper upon payment of impoundment, boarding or veterinary fees and any other expenses incurred by the Town or the animal shelter in connection with the impoundment of the animal and its subsequent care if the Town Manager determines that, due to changed circumstances, the animal's health and the public health, safety and welfare will not be endangered thereby. If the Town Manager determines that the animal was wrongfully impounded, the Town Manager shall order the animal returned without payment of such fees or expenses. If no hearing is requested, the Town Manager may order the animal disposed of in the manner provided in Section 7-9-550.

(3) Wild or exotic animals kept in violation of Section 7-9-260 of this Article shall not be released to the owner or any other person; provided, however, that the Humane Society may release such animals to the appropriate authorities or a zoo.

(17) Sec. 7-9-610. General penalties. (Chapter 7, Health, Sanitation and Animals; Article 9, Animals)

Any person found guilty of violating any provision of this Article, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished in the manner described in Section 1-4-20 of this Code.

(18) Sec. 7-9-620. Additional penalties or requirements for vicious animals. (Chapter 7, Health, Sanitation and Animals; Article 9, Animals)

In addition to the penalties provided in Section 1-4-20 of this Code, the Municipal Judge may order any animal determined to be vicious barred from the Town or destroyed by the Humane Society. If the Municipal Judge orders the specific disposition of the animal, such order shall be carried out immediately. If the owner of the animal is given a choice as to the disposition of the animal, the Municipal Judge shall order the owner to immediately surrender the animal to the animal shelter for impoundment if the same has not already occurred. Such impoundment shall be at the owner's expense. The owner shall make a decision as to the disposition of the animal within five days. If the animal is to be taken out of the Town, the animal shall be released to the owner for the purpose of immediately transporting the animal outside of the Town.

(19) Sec. 8-1-30. Amendments. (Chapter 8, Vehicles and Traffic; Article 1, Model Traffic Code)

The adopted Model Traffic Code is subject to the following additions, modifications and amendments:

(1) Section 225 is hereby amended as follows:

"225. Mufflers – prevention of noise.

....

"(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town or county, and the remaining fifty percent (50%) shall be transmitted to the State Treasurer and credited to the Highway Users' Tax Fund.

"(4) This section shall not apply to electric motor vehicles.

"(5) The minimum fine for violation of this Section shall be \$50 per violation."

....

(3) Section 615 is hereby amended to read in full:

"615. School zones.

....

"(3) Any person who commits a moving traffic violation in a school zone is subject to the increased penalties imposed by section 1701 of this Code, which shall include a fine of at least double the fine set for the same violation occurring outside of a school zone.

"(4) This section shall not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 of this Code because such violation also occurred within a highway maintenance, repair or construction zone.

"(5) This section shall not apply when the official traffic control devices are not operating or when school is not in official session."

....

(20) Sec. 8-1-70. Increase in penalties for moving traffic violations in school zones. (Chapter 8, Vehicles and Traffic; Article 1, Model Traffic Code)

(a) Any person who commits a moving traffic violation in a school zone is subject to increased penalties and surcharges, which shall include a fine double the fines set by the Municipal Judge for the same violation outside of a school zone.

(b) This Section shall not apply if the penalty and surcharge for a violation has been doubled pursuant to the Model Traffic Code because such violation also occurred within a highway maintenance, repair or construction zone.

(21) Sec. 8-1-80. Violation; penalty. (Chapter 8, Vehicles and Traffic; Article 1, Model Traffic Code)

Violations of the Model Traffic Code adopted herein shall be subject to the penalties set by the Municipal Court of the Town pursuant to Colorado Municipal Court Rule 210(b)(5) and Section 1-4-20 of this Code. The penalties and surcharges set forth in the most recent edition of the Model Traffic Code of Colorado are expressly not adopted or applicable.

(22) Sec. 8-3-20. Use of retarders prohibited. (Chapter 8, Vehicles and Traffic; Article 3, Engine Retarder Systems)

(a) It is unlawful to use a retarder (commonly known as a "compression brake") on any truck, bus, automobile or other vehicle within the Town.

(b) This provision shall not restrict the use of a retarder in an emergency.

(c) Any person who violates any of the provisions of this Section shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(23) Sec. 10-1-90. Penalty. (Chapter 10, General Offenses; Article 1, General Provisions)

Failure to comply with the terms of this Chapter shall constitute a criminal violation. Any person who is found guilty of or pleads nolo contendere to a violation of this Chapter shall be subject to the criminal penalties set forth in Section 1-4-20 of this Code.

(24) Sec. 10-3-100. Unlawful conduct on public property. (Chapter 10, General Offenses; Article 3, Streets and Public Places)

(a) The Town Council may, by duly adopted and approved resolution, impose rules and regulations regarding the use of public properties, including but not limited to public parks, either in whole or specific to specific properties.

(b) Failure to comply with the terms of any adopted rules shall be a class 3 misdemeanor and subject to penalty, including fines as set forth in Section 1-4-20 of this Code. In addition, a peace officer has all powers granted in Section 1-4-90 of this Code to issue summonses, complaints and penalty assessments.

(25) Sec. 10-4-90. Fraud by check. (Chapter 10, General Offenses; Article 4, Public, Private and Personal Property)

....

(g) In imposing a penalty for violation of this Section, the Municipal Court is specifically authorized and empowered to require restitution in full to the person or entity to whom any such check described herein was issued as a portion of, and/or in addition to, any other penalty deemed appropriate by the Court.

....

(26) Sec. 10-6-80. Sale and distribution of cigarettes and tobacco products. (Chapter 10, General Offenses; Article 6, Minors)

....

(b) Any person who knowingly furnishes to a minor, by gift, sale or other means, any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of \$200.00. It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of identification which identified the person receiving the cigarettes or tobacco products as being 18 years of age or older.

(c) Any minor who purchases or attempts to purchase, either directly or through an intermediary, any cigarette or tobacco products and/or is found to be in possession of any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of \$100.00; except that, following a conviction or adjudication for a first offense under this Subsection, the Court in lieu of the fine may sentence the person to participate in a tobacco education program. The Court may allow such person to perform community service and be granted credit against the fine and court costs at the rate of \$5.00 for each hour of work performed, for up to 50 percent of the fine and court costs.

....

(27) Sec. 10-7-120. Possession of marijuana. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs)

(a) It is unlawful for any person under the age of 21 years to possess or use marijuana and, upon a plea of guilty or no contest thereto or conviction thereof, punishment shall be by a fine of not more than \$100.00.

(b) It is unlawful for any person to openly and publicly display, consume or use marijuana and, upon a plea of guilty or no contest thereto or conviction thereof, punishment shall be by a fine of not more than \$100.00.

....

(28) Sec. 10-7-130. Possession of drug paraphernalia. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs)

(a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows, or reasonably should know, that the drug paraphernalia could be used under circumstances in violation of state law.

(b) Any person who commits possession of drug paraphernalia, upon conviction thereof, shall be punished by a fine of not more than \$100.00.

(c) The provisions of this Section shall not apply to any person who possesses or uses paraphernalia pursuant to the Colorado Medical Marijuana Code and for a purpose authorized by Amendment 20.

(29) Sec. 10-7-210. Abusing toxic vapors. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs)

....

(d) Any person who knowingly violates the provisions of Subsection (b) or (c) above commits the offense of abusing toxic vapors. Upon conviction thereof, such person shall be punished by a fine of not more than \$750.00 for a first offense; and upon conviction of a second or subsequent offense, by a fine of not more than \$750.00 and by not more than 12 months imprisonment.

(e) In a prosecution for a violation of this Section, evidence that a container lists one or more of the substances described in Subsection (a) above as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

(30) Sec. 10-8-20. Carrying concealed weapon; forfeiture. (Chapter 10, General Offenses; Article 8, Weapons)

....

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

(d) Nothing in this Section shall be construed to forbid United States Marshals, sheriffs, constables and their deputies and any regular, special or ex officio police officer or other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper and lawful discharge of their duties.

(31) Sec. 10-9-40. Habitual offender. (Chapter 10, General Offenses; Article 9, Noise)

Three or more violations of Section 10-9-20 above on different dates shall be grounds for revocation of any special use review permit or liquor license after a notice and hearing.

(32) Sec. 11-1-40. Damage to sidewalks; penalty. (Streets, Sidewalks and Public Property; Article 1, Sidewalks)

If any person willfully breaks or otherwise damages any sidewalk, he or she shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in accordance with the provisions of Section 1-4-20 of this Code.

(33) Sec. 11-1-50. Riding of animals and vehicles on sidewalks prohibited. (Streets, Sidewalks and Public Property; Article 1, Sidewalks)

Any person who rides or drives any horse, burro or other animal upon any public sidewalk, or any person who rides a bicycle, motorcycle or other riding machine or vehicle upon any public sidewalk, shall be deemed guilty of a misdemeanor and, upon conviction, be fined in accordance with the provisions of Section 1-4-20 of this Code.

(34) Sec. 11-2-50. Revocation of permit. (Streets, Sidewalks and Public Property; Article 2, Excavations)

(a) The Town Engineer may revoke the permit granted by this Article if the applicant is found to have violated any of the provisions listed in Section 11-2-40 above, or in any of the following circumstances:

- (1) The permittee violates any of the provisions of the ordinances of the Town governing the activities permitted by the permit;
- (2) The permittee obtains a permit by fraud or misrepresentation;
- (3) Revocation is necessary to maintain the public health, safety and welfare; or
- (4) The permittee fails to maintain the required insurance, bond or other guarantee of performance during the course of the construction and of the warranty period specified by the Town.

(b) The Town Engineer shall advise the permittee in writing of the grounds for revocation of the permit, and the permittee may be allowed to appeal such revocation to the Town Council.

(35) Sec. 12-1-70. Violations; penalties. (Chapter 12, Code of Conduct; Article 1, Code of Conduct)

(a) After a hearing held pursuant to Subsection 12-1-60(d) above, if the Town Council, by a majority vote of the members of Town Council entitled to vote thereon, determines that a violation of the Code of Conduct has occurred, the Town Council, by majority vote of the members entitled to vote, may impose the following penalties:

- (1) If the violation was unintentional or an oversight, the Town Council may issue a verbal admonition, which shall be part of the record of proceedings.
- (2) If the conduct was negligent, the Town Council may issue a verbal admonition or an official written reprimand, which shall be part of the record of proceedings.
- (3) If the conduct was intentional, the Town Council may, in its sole discretion:
 - a. Issue a verbal admonition, which shall be part of the record of proceedings;
 - b. Issue an official written reprimand, which shall be part of the record of proceedings;
 - c. Publically censure the officer; and/or
 - d. Remove the officer from his or her office.

(b) The penalties provided for in this Section shall not foreclose the application of any other cause of action or right of action arising under this Code, the Charter or other applicable law.

(36) Sec. 18-6-30. Amendments. (Chapter 18, Building Regulations; Article 6, Fire Code)

The following articles, sections, divisions, subsections and appendices of the International Fire Code, 2012 Edition, are hereby added, amended, deleted and renumbered, except as noted, to read as follows:

....

(5) Section 109.4 is amended to read as follows:

"109.4 Violations and penalties. Any person convicted of violation of this Article shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period not exceeding one (1) year, or both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment for violation of this Article. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Article is committed, continued or permitted by any such person and shall be punished accordingly."

(6) Section 109.5 is hereby added to read as follows:

"109.5 Work commencing before permit issuance. In addition to penalties set forth in Section 109.4, any person or firm who, before obtaining the necessary permit(s), commences any construction of, or work on, a building, structure, fire protection system, fire alarm system, fire extinguishing system that is not otherwise exempted from obtaining a permit, shall be subject to a processing and penalty fee in addition to the standard prescribed permit fee. Such additional fee shall be equal to the permit fee, except that such fee shall not be less than \$50 nor more than \$1,000 for the first such violation. A person or firm committing the same such violation repeatedly is subject to processing and penalty fees equal to double the amount of the permit fee or double the amount of the preceding violation, whichever is greater, for every same such subsequent violation committed thereafter within any 180-day period."

....

Section 5. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

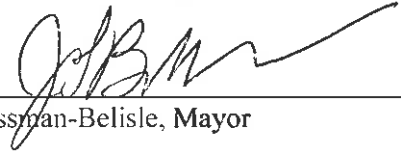
Section 6. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 7. In the opinion of the Town Council of the Town of Timnath, Colorado, this Ordinance is necessary for the preservation of the public peace, health, and safety, and shall become effective immediately.

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Section 7. This Ordinance shall become effective thirty (30) days after publication thereof.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:




Milissa Peters, Town Clerk



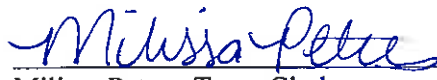
ADOPTED AND ORDERED PUBLISHED on this 10th day of November, 2015.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk





Invoice Text NOTICE OF PUBLIC HEARING Pursuant to Section 31-16-

STATE OF COLORADO)
) ss: AFFIDAVIT OF PUBLICATION
COUNTY OF LARIMER)

Andrew Troncoso, being duly sworn, deposes and says that said is the legal clerk of the Fort Collins Coloradoan; that the same is a daily newspaper of general circulation and printed and published in the City of Fort Collins, in said county and state; that the notice or advertisement, of which the annexed is a true copy, has been published in said daily newspaper for

2 Non-Consecutive Days;

that the notice was published in the regular and entire issue of every number of said newspaper during the period and time of publication of said notice, and in the newspaper proper and not in a supplement thereof; that the first publication of said notice was contained in the issue of said newspaper on

Thursday, October 29, 2015

that the last publication thereof was contained in the issue of said newspaper on

Sunday, November 1, 2015

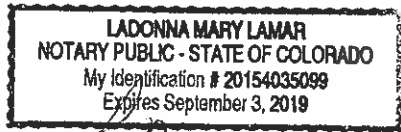
that said Fort Collins Coloradoan has been published continuously and uninterrupted during the period of at least six months next prior to the first publication of said notice or advertisement above referred to; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof; and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

[Handwritten signature]
Legal Clerk

Subscribed and sworn to before me, within the County of Larimer, State of Colorado this

Monday, November 02, 2015

My Commission expires: Sept 3 2019
[Handwritten signature]



Notary Public

Legal No.0034220949

Affidavit Prepared
Monday, November 2, 2015
8:07 am

Delivered to:

TOWN OF TIMNATH LEGALS,
4800 GOODMAN RD
TIMNATH, CO 80547-2296