

MUNICIPAL CODE
OF THE
TOWN OF ALMA, COLORADO

2011

A Codification of the General Ordinances
of the Town of Alma, Colorado

Published by

COLORADO CODE PUBLISHING COMPANY
323 West Drake Road, Suite 200
Fort Collins, CO 80526-8115
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of the
TOWN OF ALMA

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Nancy Comer

Town Attorney
Lee Phillips

SUPPLEMENTATION

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

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

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

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

AMENDMENTS

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

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

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

(Set out full section number, title and contents)

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

The "Alma Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

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

Section 2-2-90 of the "Alma Municipal Code" is repealed in its entirety and readopted to read as follows:

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

or as follows:

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

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

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

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

COLORADO CODE PUBLISHING COMPANY

PREFACE

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

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

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

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

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

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

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

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STATE OF COLORADO
TOWN OF ALMA, COLORADO
ORDINANCE NO. 2011-18

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

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

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

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance which are inconsistent with the provisions of the Alma 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 are incorporated in the Alma Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

- (1) The *Model Traffic Code for Colorado*, 1995 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.;
- (2) The *International Building Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10, et seq.; and
- (3) The *International Energy Conservation Code*, 2009 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-8-10, et seq.

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

- (1) The *International Residential Code*, 2006 edition, published by the International Code Council, Inc., as adopted in Section 18-2-10;
- (2) The *National Electrical Code*, 2008 edition, published by the National Fire Protection Association, as adopted in Section 18-3-10;
- (3) The *International Mechanical Code*, 2006 edition, published by the International Code Council, Inc., as adopted in Section 18-4-10;
- (4) The *International Plumbing Code*, 2006 edition, published by the International Code Council, Inc., as adopted in Section 18-5-10;

(5) The *International Fire Code*, 2006 edition, published by the International Code Council, Inc., as adopted in Section 18-6-10;

(6) The *International Fuel Gas Code*, 2006 edition, published by the International Code Council, Inc., as adopted in Section 18-7-10; and

(7) The *International Property Maintenance Code*, 2006, edition, published by the International Code Council, Inc., as adopted in Section 18-9-10.

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

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

Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

(2) Sec. 1-4-30. 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 (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.

(3) Sec. 2-4-100. Contempt power. (Chapter 2, Administration; Article 4, Municipal Court)

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed a term of one (1) year, or both such fine and imprisonment.

(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.

(4) Sec. 6-1-110. Renewal. (Chapter 6, Business Licenses and Regulations; Article 1, Business Licenses)

On or before December 31, the holder of a license may apply for a renewal license to the Town Clerk for the following calendar year. All applications for renewal of licenses shall be made on forms provided by the Town Clerk. Failure to obtain a renewal of a license by the

expiration date shall result in payment of a penalty in an amount equal to twenty-five percent (25%) of the license fee for each month the fee is overdue.

(5) Sec. 6-2-50. Suspension or revocation; fine. (Chapter 6, Business Licenses and Regulations; Article 2, Alcoholic Beverages)

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

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

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

(3) That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

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

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

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

(e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

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

(6) Sec. 7-1-190. Certified assessment. (Chapter 7, Health, Sanitation and Animals; Article 1, Administration and Abatement of Nuisances)

In case any assessment is not paid within thirty (30) days after the same has been certified to the Town Clerk by the Board of Trustees, the Town Clerk shall certify to the County Treasurer, list of all delinquent assessments, giving the name of the owner as it appears of record, the number of lot, block and subdivision, or other legal descriptions sufficient to identify such property upon the records of the County Treasurer, and the amount of the assessment. Said certification shall be the same in substance and in the same form as required for the certification of special assessments, and the County Treasurer, upon the receipt of such certified list, shall place the same upon the tax list for the current year and collect the special assessment in the same manner as other taxes are collected, with a ten-percent penalty thereon; and all the laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

(7) Sec. 7-3-60. Penalty. (Chapter 7, Health, Sanitation and Animals; Article 3, Garbage and Refuse)

Any person or entity convicted of a violation of this Article shall be guilty of a misdemeanor and shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. In addition to the penalties provided herein, any person violating this Article shall pay a dump fee as set forth in the Annual Fee Resolution adopted by the Board of Trustees.

(8) Sec. 7-6-210. Cruelty to animals. (Chapter 7, Health, Sanitation and Animals; Article 6, Animals; Division 3, Care and Treatment)

(a) It is unlawful for any person, except as authorized by law, knowingly or with criminal negligence to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill needlessly, or carry or transport in any vehicle or otherwise in a cruel and inhumane manner, any animal, or to cause any of these acts to be done.

(b) It is no defense to prosecution under this Section that the defendant was, at the time of the offense, the owner of the animal, nor that the offense was committed upon private property.

(c) In the case of any person who incurs a second or subsequent conviction under this Section for any offense occurring within two (2) years prior to the second offense, a sentence to pay a fine of three hundred dollars (\$300.00) shall be mandatory and shall not be subject to suspension, in addition to such sentence to confinement as the Court may impose.

(9) Sec. 7-6-330. Animals at large; fine. (Chapter 7, Health, Sanitation and Animals; Article 6, Animals; Division 4, Animal Control)

Any animal owner or owner's authorized agent who is convicted of having an animal at large shall be fined twenty-five dollars (\$25.00) for a first offense; fifty dollars (\$50.00) for a second offense occurring within twelve (12) months from the first offense; seventy-five dollars (\$75.00) for a third offense occurring within twelve (12) months of the first offense; and shall

be required to appear in Municipal Court for a fourth or subsequent violation of this Section occurring within twelve (12) months from the first offense and be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment, or both such fine and imprisonment. In addition to any fines imposed under this Section any owner or owner agent shall also be required to pay appropriate impoundment fees when applicable.

(10) Sec. 7-6-420. Penalties. (Chapter 7, Health, Sanitation and Animals; Article 6, Animals; Division 5, Enforcement)

(a) Any person who violates any Section of this Article may be subject to a fine of no more than three hundred dollars (\$300.00), confinement in jail not to exceed ninety (90) days, or both such fine and imprisonment, subject to the mandatory minimum fines hereafter set forth, which the Court shall not have the discretion to suspend or reduce.

(b) Any person found guilty of a violation of a Class I offense shall be fined not less than fifty dollars (\$50.00). Any person found guilty of a Class I offense for a violation that occurred within one (1) year of a previous violation of a Class I offense shall be fined not less than one hundred dollars (\$100.00). Class I offenses are as follows:

<i>Code Section</i>	<i>Offense</i>
Sec. 7-6-210	Cruelty to animals
Sec. 7-6-220	Neglect of animals
Sec. 7-6-230	Abandonment of animals
Sec. 7-6-250	Poisoning domesticated animals
Sec. 7-6-260	Fighting animals
Sec. 7-6-350(c)	Removing animal from quarantine

(c) Any person found guilty of a violation of a Class II offense shall be fined not less than twenty-five dollars (\$25.00). Any person found guilty of a Class II offense for a violation that occurred within one (1) year of a previous violation of a Class I or II offense shall be fined not less than fifty dollars (\$50.00). Any person similarly found guilty of a third or greater number of violations within one (1) year shall be fined not less than one hundred dollars (\$100.00). Class II offenses are as follows:

<i>Code Section</i>	<i>Offense</i>
Sec. 7-6-310	Vicious animals
Sec. 7-6-320	Disturbance
Sec. 7-6-330	Animals at large
Sec. 7-6-350(a)	Reporting animal bites
Sec. 7-6-130	Removal of animals from animal shelter

(d) Any person found guilty of a violation of a Class III offense shall be fined not less than fifteen dollars (\$15.00). Any person found guilty of a Class III offense for a violation that occurred within one (1) year of a previous violation of this Article shall be fined not less than

thirty dollars (\$30.00). Any person similarly found guilty of a third violation within one (1) year shall be fined not less than sixty dollars (\$60.00) and, if found guilty of a fourth or more violations within one (1) year, not less than one hundred dollars (\$100.00) for each such violation. Class III offenses are as follows:

<i>Code Section</i>	<i>Offense</i>
Sec. 7-6-340	Confinement during estrus
Sec. 7-6-20 — Sec. 7-6-70	Registration of dogs

(11) Sec. 8-1-80. Penalty assessment. (Chapter 8, Vehicles and Traffic; Article 1, Model Traffic Code)

(a) Every person convicted of a violation of any provision of this Article or of the Model Traffic Code adopted by this Article, as such provisions are now in effect or may hereafter be amended, shall be punished by a fine not to exceed three hundred dollars (\$300.00). All traffic violations set forth in this Article, expressly or by reference to the provisions of the Model Traffic Code, are classified as traffic infractions and are hereby declared to be civil, noncriminal matters, except those specifically set forth in Subsection (b) below. Trial of civil traffic infractions shall be to the Municipal Court without right to jury trial, and no person thereby convicted shall be punished by imprisonment.

(b) A defendant charged with any of the following provisions of the Model Traffic Code shall have the right to trial by jury, and is subject to criminal penalties of a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) month in jail, or by both such fine and imprisonment:

- (1) Section 1903, School buses – stops – signs – passing;
- (2) Section 1101, Speed limits, only when the speed alleged is more than 24 miles per hour over the lawful speed limit;
- (3) Section 1105, Speed contest;
- (4) Section 1401, Reckless driving;
- (5) Section 1402, Careless driving; and
- (6) Section 1413, Eluding or attempting to elude a police officer.

(c) If a defendant is charged with more than one (1) offense arising out of the same incident, and at least one (1) of the charged offenses is a criminal offense as listed in Subsection (b) above or otherwise, the defendant shall have the right to demand a trial by jury for all such offenses, which then shall be consolidated for trial.

(d) Calculation of fines. Every person convicted of, or pleading guilty to, a violation of any provision of this Article or of the Model Traffic Code shall be subject to a fine based upon the calculation assessing a fine of thirty (\$30.00) per point, calculated based on the original charged violation. Additionally, every person convicted of, or pleading guilty to, a violation of this Article or of the Model Traffic Code may be ordered to pay additional administrative costs and fees in excess of the fine imposed. Such additional assessment shall not apply towards the

three-hundred-dollar maximum fine discussed in Subsection (a) above. Every person convicted of, or pleading guilty to, a violation of this Article or of the Model Traffic Code resulting in the assessment of zero (0) points shall be subject to a minimum fine of thirty dollars (\$30.00) and may be ordered to pay additional administrative costs and fees subject to the provisions of this Subsection.

(12) Sec. 8-2-60. Penalty. (Chapter 8, Vehicles and Traffic; Article 2, Snowmobile Regulations)

Any person convicted of violating this Article shall be punished by a fine not to exceed three hundred dollars (\$300.00), imprisonment not to exceed six (6) months, or both such fine and imprisonment. Willful violation of this Article shall be punished by a minimum fine of one hundred dollars (\$100.00), and no portion of such minimum fine shall be suspended. Willful violation, as used herein, may be established by violation of any ordinance, statute, rule or regulation of which the defendant was provided actual notice within thirty (30) days prior to the violation; e.g., a specific warning by the Police Department.

(13) Sec. 8-3-50. Penalty. (Chapter 8, Vehicles and Traffic; Article 3, Parking Regulations)

Any person who pleads guilty to, or is convicted of, a violation under this Article shall be subject to a fine in the amount of thirty dollars (\$30.00).

(14) Sec. 10-6-50. Sale of cigarettes and tobacco products. (Chapter 10, General Offenses; Article 6, Minors)

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

Cigarettes means premanufactured cigarettes and/or hand-rolled cigarettes.

Minor means a person under the age of eighteen (18) years.

Tobacco products means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(b) Any person who knowingly furnishes to a minor, by gift, sale or any other means, any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$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 eighteen (18) years of age or older.

(c) Any minor who purchases or attempts to purchase any cigarettes 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 one hundred dollars

(\$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 five dollars (\$5.00) for each hour of work performed, for up to fifty percent (50%) of the fine and court costs.

(d) No retailer shall sell or permit the sale of cigarettes or tobacco products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

- (1) Factories, businesses, offices or other places not open to the general public;
- (2) Places to which minors are not permitted access at any time during the day or night; or
- (3) Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to establishments holding a valid liquor license issued pursuant to Article 47 of Title 12, C.R.S.

(e) Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign as specified in this Subsection. Said warning sign shall be displayed in a prominent place in the building and on such machine at all times, shall have a minimum height of three (3) inches and a minimum width of six (6) inches, and shall read as follows:

WARNING
IT IS ILLEGAL FOR ANY PERSON UNDER 18 YEARS OF AGE TO PURCHASE CIGARETTES
AND TOBACCO PRODUCTS AND, UPON CONVICTION, A \$100.00 FINE MAY BE IMPOSED

(f) Any violation of Subsection (e) above shall not constitute a violation of any other provision of this Section.

(15) Sec. 10-7-120. Possession of drug paraphernalia. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs; Division 2, Drugs)

(a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and intends to use the drug paraphernalia under circumstances in violation of state law.

(b) Any person who commits possession of drug paraphernalia commits a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00).

(16) Sec. 10-7-130. Possession of marijuana. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs; Division 2, Drugs)

(a) Any person who knowingly possesses not more than one (1) ounce of marijuana commits a criminal offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00).

(b) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to

appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer.

(c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) and, notwithstanding the provisions of Section 18-1.3-503, C.R.S., by fifteen (15) days in jail.

(d) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(17) Sec. 11-1-20. Duty to keep sidewalks free of obstructions. (Chapter 11, Streets, Sidewalks and Public Places; Article 1, Sidewalks)

(a) Each owner of property within the Town shall keep all sidewalks on, adjacent to, abutting or fronting his or her property free from obstructions, litter, impediments to pedestrian travel and hazards.

(b) Violations of this Section shall be punished upon conviction as follows:

(1) For a first violation, a fine of twenty-five dollars (\$25.00);

(2) For a second violation in any twelve-month period, a fine of fifty dollars (\$50.00); and

(3) For a third violation in any twelve-month period and for each subsequent violation during such twelve-month period, a fine of one hundred dollars (\$100.00).

(c) Nuisance declared. Sidewalks that are obstructed so as to impede pedestrian traffic are hereby declared to be a public nuisance.

(d) Abatement; notice.

(1) Whenever the Town's authorized representative has knowledge of conditions in violation of Subsection (c) above, he or she may abate the nuisance by requiring the owner of the sidewalk or property adjacent to, abutting or fronting the sidewalk to remove or abate such obstruction, litter or other impediment to pedestrian travel.

(2) If the Town's authorized representative determines to proceed under Paragraph (1) above, he or she shall notify the property owner of the duty to abate and that such owner has seven (7) days from the date of the notice to complete such abatement; provided, however, that the time for abatement of a nuisance posing an imminent danger

of loss of life, limb, property or health or obstructing pedestrian traffic may be one (1) day.

(3) Notice under this Section is sufficient if it is mailed first-class to the address of the last known owner of property on the records of the County Assessor or hand-delivered to the owner. The notice shall contain a statement that the owner, within the period stated on the notice, may protest the findings of the Town's authorized representative with respect to any matters stated in the notice, by filing a written notice of protest in the office of the Town Clerk.

(4) If the property owner fails to commence or complete abatement as required by the notice prescribed by Paragraph (2) above, the authorized representative may perform the repair or replacement and charge the costs thereof, plus up to twenty-five percent (25%) for administrative costs, to the property owner. The Town's authorized representative shall have the authority to call for any necessary assistance, and in no event shall the notice described by this Section be required prior to issuance of a summons and complaint for violation of this Article.

(5) If any person fails or refuses to pay, when due, any charge imposed under this Article, including any agreed charge, the Town's authorized representative shall assess the cost of abatement, plus five percent (5%) for inspection, a minimum fee assessment of twenty-five dollars (\$25.00) and other incidental costs in connection therewith, as a special assessment upon the property which such nuisance is abated. Such assessment shall be made pursuant to the procedures provided by law or in the ordinances of the Town for special assessments. Every such assessment shall be a lien in the several amounts assessed against such property until paid and shall have priority over all other liens, except general taxes and prior special assessments. In case any assessment is not paid within thirty (30) days after the same has been certified to the Town Clerk by the Board of Trustees, the Town Clerk shall certify to the County Treasurer the list of all delinquent assessments, giving the name of the owner as it appears on record, the number of the lot, block and subdivision or other legal descriptions sufficient to identify such property upon the records of the County Treasurer and the amount of the assessment. Said certification shall be the same in substance and in the same form as required for the certification of special assessments, and the County Treasurer, upon receipt of such certified list, is hereby authorized to place the same upon the tax list for the current year and to collect the special assessment in the same manner as other taxes are collected, with a ten-percent penalty thereon; and the laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

(18) Sec. 11-3-30. Enforcement. (Chapter 11, Streets, Sidewalks and Public Places; Article 3, Excavations)

Any person who makes any excavation without having first obtained an excavation permit, or who fails to comply with the conditions in such permit when issued, shall be subject to summary disconnection from the water and/or sewer systems of the Town and shall further be subject to a fine in accordance with the provisions of Section 1-4-20 of this Code, and shall

be further subject to pay the Town for the cost of the disconnection. Further, all of the above sums shall constitute a perpetual lien upon the property served and may be charged to the contractor jointly with the landowner.

(19) Sec. 11-3-40. Penalty for failure to submit drawings. (Chapter 11, Streets, Sidewalks and Public Places; Article 3, Excavations)

Any person who fails to submit the utility location drawings required by this Article shall be deemed to have made an unauthorized connection to the water and/or sewer system of the Town and shall be subject to the penalties set forth in Section 11-2-30 above, in addition to the penalties set forth in the rules and regulations for the administration of the sewer and water systems of the Town.

(20) Sec. 11-4-80. Violation; penalty. (Chapter 11, Streets, Sidewalks and Public Places; Article 4, Night Sky)

(a) Violations of this Article shall be punishable as follows:

(1) First offense: A written warning.

(2) Second offense: Twenty-five dollars (\$25.00).

(b) Each day during which the violation continues shall be deemed a separate offense.

(21) Sec. 13-1-100. Additional service or fixtures. (Chapter 13, Municipal Utilities; Article 1, Water Service)

Should the owner or occupant of the premises desire additional service or fixtures or to apply the water for a purpose not stated at the time of the original application, permission must be obtained therefor. When additional fixtures are added and not reported, the same shall be charged at double rate for such time as such fixtures are in use, in addition to a five-dollar penalty for such violation, to be added on and collected with the water bill.

(22) Sec. 13-1-140. Waste of water prohibited. (Chapter 13, Municipal Utilities; Article 1, Water Service)

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other openings must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for violations of this Code, the water supply may be turned off where any such waste occurs, and in such case a penalty from ten dollars (\$10.00) to fifty dollars (\$50.00) must be paid before the water is turned on again.

(23) Sec. 13-1-160. Supplying water to others. (Chapter 13, Municipal Utilities; Article 1, Water Service)

No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families. The Utilities Department agrees to furnish water for a certain specified sum. If, therefore, consumers furnish other people or supply water for other purposes, or permit it to be taken without the knowledge or consent of the Utilities Department, it is a violation of the contract, and consumers so offending will be required to pay double the price of water so used, and the Town reserves the right to shut off the supply for abuses of

water privileges. When the water has been turned off for violation hereof, the water will not be turned on again until all water rents and penalties have been paid, including the further maximum sum of three hundred dollars (\$300.00) for turning the water off.

(24) Sec. 13-1-200. Water bills; payments; penalty. (Chapter 13, Municipal Utilities; Article 1, Water Service)

All charges for water as provided in this Section shall be billed by the Town Clerk at the end of each month and paid monthly at the office of the Town Clerk on the last day of each subsequent month. If such charges are not paid by the end of the subsequent month, they shall become delinquent and the water may be turned off after the giving of at least ten (10) days' notice to the owner of the delinquency and of the right to turn off the water service. Such notice shall be deemed complete upon the date of the mailing. Should any owner or occupant of the premises turn on the water or cause it to be turned off at the curb cock, it will be turned off at the main and a maximum charge of three hundred dollars (\$300.00), plus the cost of labor and materials as determined by the Town, for turning the water off or on, shall be added to the water bill and collected as a part thereof.

(25) Sec. 13-1-300. Water conservation. (Chapter 13, Municipal Utilities; Article 1, Water Service)

(a) Outside watering of lawns and gardens shall be limited to two (2) days per week, to occur before 7:00 a.m. or after 7:00 p.m. on the designated days. All addresses ending in an even number shall be permitted to water on Monday and Thursday. All addresses ending in an odd number shall be permitted to water on Tuesday and Saturday. Hand-watering of trees, shrubs, vegetable and flower gardens is allowed at any time.

(b) Except for watering permitted pursuant to Subsection (a) above, no outside use of water is allowed; i.e., washing of vehicles, buildings, watering of streets, sidewalks, etc.

(c) All outside watering for any purpose shall be terminated upon order of the Mayor.

(d) No water provided by the water system shall be transported by any means beyond the Town limits without express, written authorization of the Board of Trustees.

(e) The Board of Trustees hereby emphasizes its request to all of its citizens for voluntary conservation of their in-house domestic uses and commercial uses.

(f) Any violation of the mandatory water conservation measures set forth herein shall be punishable by a fine of not more than one thousand dollars (\$1,000.00).

(26) Sec. 13-1-310. Water emergencies. (Chapter 13, Municipal Utilities; Article 1, Water Service)

(a) In the event of a water emergency, as declared by the Town Administrator, the Town Administrator shall have the authority to promulgate rules and regulations governing water usage by all customers of the Town water system.

(b) Rules and regulations promulgated by the Town Administrator pursuant to the authority of this Section shall include but not be limited to:

- (1) Limiting lawn watering to certain times of the day, days of the week or times of the month;
- (2) Prohibiting the waste of water;
- (3) Prohibiting or limiting the times of day or days per week for washing of cars and other vehicles at residential properties;
- (4) Prohibiting the use of water for the washing of sidewalks, driveways, patios or similar impervious surfaces;
- (5) Prohibiting power-washing of housing, fences, windows, decks or other similar impervious surfaces;
- (6) Prohibiting new lawns from being planted or installed;
- (7) Rationing the amount of water that can be used by each customer, household and/or business;
- (8) Prohibiting or limiting any outside irrigation use of water;
- (9) Prohibiting serving water at restaurants prior to a request for the service of water;
- (10) Prohibiting the transportation of water from the Town water system beyond the boundaries of the Town without Town permission;
- (11) Implementing a major public education program on the need to conserve water; and
- (12) Other similar restrictions designed to conserve water and reduce excess water usage within the boundaries of the Town.

(c) Upon the promulgation of such rules and regulations pursuant to this Section, the Town Administrator shall publish, post or otherwise make available copies of the rules and regulations in the manner determined by the Town Administrator as best calculated to reach the largest number of water consumers.

(d) Any person violating any provision of this Section, or of the rules and regulations promulgated by the Town Administrator pursuant to this Section, shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000.00) for each violation. The assessment of fines for violations of this Article or the rules and regulations promulgated hereunder will be through the Town utility bill for the responsible party's billing account. The *responsible party* shall be defined as the owner, manager, supervisor or person who receives the water utility bill, or person in charge of the property, facility or operation during the period of time the violation is observed. All fines must be paid within the normal payment period allowed by the Town utility billing system. The Town Administrator may, as part of the rules and regulations promulgated pursuant to this Section, establish a progressive schedule of warnings and/or fines subject to approval of such schedule by the Board of Trustees by resolution or motion.

(27) Sec. 13-2-110. Mandatory connection; permit required; exemptions. (Chapter 13, Municipal Utilities; Article 2, Sewer Service; Division 2, Public Sewer System)

(a) All properties receiving water from the Town's water system or from domestic wells must be connected to the central sewer system of the Town, and all provisions of these rules and regulations, including the payment of tap fees, shall apply to such properties. The use of any sewage disposal system by such properties other than the central sewage system of the Town is hereby prohibited.

(b) All new construction of any nature within the boundaries of the Town must be connected to the central sewer system of the Town prior to occupancy or use.

(c) Before any connection is made to the public sewer system, a permit shall be obtained from the Board of Trustees, and the required charges and fees therefor shall be paid. Application for such permit shall be made to the Board of Trustees at least seven (7) days prior to the next Board meeting on forms approved by the Board of Trustees.

(d) Upon application to the Board of Trustees, the Board of Trustees alone may grant an exemption from the requirements of this Section, upon a finding by the Board of Trustees that all of the following conditions have been met:

(1) The use or contemplated use of the property is either a single-family or duplex (two-family) residence;

(2) The structure proposed to be exempted is located a minimum of four hundred (400) feet from the nearest existing sewer main;

(3) The structure proposed to be exempted is situated on a parcel of land in common ownership of not less than one (1) acre; and

(4) The site is adequate to accommodate a leach field installation in compliance with all applicable regulations of the County and the State.

(e) All properties which are required to connect to the central sewer system of the Town by terms of Paragraph (d)(1) above, and which properties have not been connected to the central sewer system, shall be deemed in violation of these rules and regulations and, in addition to the penalties provided in Division 7 of this Article, shall be assessed a penalty of two hundred dollars (\$200.00), and a per diem penalty of five dollars (\$5.00) shall be assessed against the property. Such amounts, if not paid, shall become a lien upon the property.

(28) Sec. 13-2-190. Unauthorized connections. (Chapter 13, Municipal Utilities; Article 2, Sewer Service; Division 2, Public Sewer System)

Any and all connections made to a public sewer line without first obtaining a permit and the approval and consent of the Public Works Director, or if any person violates the connection and repair of the connection lines, then in either of such events, such connections to the public sewer system shall be summarily disconnected by the Public Works Director at the cost of the person making such unauthorized connection. All costs of disconnection, until paid, shall constitute a perpetual lien against such property. In the event that the licensed contractor is

also guilty of making an unauthorized connection, he or she shall be fined and, at the discretion of the Board of Trustees, be prohibited from doing any work within the Town.

(29) Sec. 13-2-730. Penalties. (Chapter 13, Municipal Utilities; Article 2, Sewer Service; Division 7, Enforcement)

Any person who continues any violation beyond the time limit provided above shall be charged with a misdemeanor and, upon conviction thereof, shall be fined in an amount as established by the courts for each violation. In addition, the Town may disconnect service to such violator without warning or notice, in which case, he or she shall be subject to all fees and charges also provided herein.

(30) Sec. 13-2-750. Protection from damage. (Chapter 13, Municipal Utilities; Article 2, Sewer Service; Division 7, Enforcement)

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer facilities. Any person violating this provision shall be subject to immediate arrest under charge and prosecuted according to law. Persons responsible for water loss for any reason shall be charged at the discretion of the Board of Trustees for such loss.

(31) Sec. 13-4-100. Violation and penalty. (Chapter 13, Municipal Utilities; Article 3, Cross-Connection Control and Backflow Prevention))

(a) Offense. Any person who violates any of the provisions of this Article shall be punished by a fine not to exceed three hundred dollars (\$300.00) for each offense. Any person who willfully and wantonly violates any provisions of this Article shall be punished by a fine not to exceed three hundred dollars (\$300.00) for each offense or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each day a violation continues shall be deemed a separate offense.

(b) Actions. Any activity or use which is continued, operated or maintained contrary to any provision of this Article is unlawful. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation, in which event, the Town shall be entitled to recover court costs and attorneys' fees.

(c) Remedies. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(32) Sec. 16-16-40. Penalties. (Chapter 16, Zoning; Article 16, Enforcement)

Failure to comply with this Chapter shall constitute a civil infraction except as otherwise provided herein. Any person who is found guilty of or pleads guilty or nolo contendere to the commission of the civil infraction shall be subject to a fine of not more than four hundred ninety-nine dollars (\$499.00). For each day or portion thereof during which any violation continues, a person may be cited for a separate infraction. The penalties specified in this Chapter shall be cumulative and nothing shall be construed as either prohibiting or limiting the Town from pursuing such other remedies or penalties in an action at law or equity.

(33) Sec. 17-2-100. Penalty. (Chapter 17, Subdivisions; Article 2, Administration and Enforcement)

(a) Any person violating any regulations of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than three hundred dollars (\$300.00).

(b) Each and every day which the violation continues shall be deemed a separate offense. In case of a violation of this Chapter, the Board of Trustees may direct the Town Attorney to file action for and on behalf of the Town, or the owner of real estate or any resident within the Town may institute an action on his or her behalf, seeking an injunction to halt such violation.

(34) Sec. 17-7-70. Compliance with this Article a condition precedent to building permit, rezoning or plat approval. (Chapter 17, Subdivisions; Article 7, Development Exactions)

No rezoning, subdivision approval or plat approval shall be final, and no building permit shall issue unless and until the developer has either paid the development exaction required pursuant to Section 17-7-40 above or selected one (1) of the procedures outlined in Section 17-7-50 above, and the report required has been provided to the Planning Commission and acted upon by the Board of Trustees. No rezoning, subdivision approval or other plat approval shall be deemed final, nor shall any building permit issue, unless and until the Town has made a determination as to whether or not a dedication or exaction requirement shall be imposed and, if so, the extent or amount thereof. Any person who commences development of a property or attempts to obtain a permit to develop property, prior to the determination required in this Article, shall be guilty of a misdemeanor and shall be subject to punishment in accordance with the provisions set forth in Section 1-4-20 of this Code. In addition to such remedy, the Town may seek and obtain either a stop work order or an injunction against the continuation or completion of any construction or preconstruction activity on a project or improvement until the determinations required herein have been made and completed. Each day that a violation of this Chapter continues shall be deemed a separate offense.

(35) Sec. 18-1-40. Violations; penalties. (Chapter 18, Building Regulations; Article 1, Building Code)

It is unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provision of the International Building Code. A violation of any of the provisions of the code shall constitute a misdemeanor offense punishable upon conviction by a fine not to exceed one thousand (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment, for each separate offense. A separate offense shall be deemed committed on each day, or portion thereof, that the violation of any of the provisions of the code occurs or continues unabated after the time limit set for abatement of the violation.

(36) Sec. 18-8-40. Violation; penalty. (Chapter 18, Building Regulations; Article 8, Energy Conservation Code)

Violations of the International Energy Conservation Code adopted herein shall be punished by a fine not to exceed one thousand dollars (\$1,000.00).

(37) Sec. 18-10-100. Noncompliance. (Chapter 18, Building Regulations; Article 10, Building Permits)

Any noncompliance with the regulations set forth under this Article shall be subject to a fine not greater than ten (10) times the amount of the building permit application fee, in addition to criminal prosecution. In the event construction has occurred without an approved building permit, the Board of Trustees shall estimate the useable square footage of the structure or improvement and apply the same penalty as above. Such fines assigned under the authority of this Article shall be construed a special assessment and a lien against the subject property upon which the improvement has been made.

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

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

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

INTRODUCED this 1st day of November, 2011.

TOWN OF ALMA, COLORADO

ATTEST:

/s/

Gary Goettelman, Mayor

/s/

Nancy Comer, Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 15th day of November, 2011.

TOWN OF ALMA, COLORADO

ATTEST:

/s/

Gary Goettelman, Mayor

/s/

Nancy Comer, Town Clerk

(SEAL)

APPROVED AS TO FORM:

/s/
Lee Phillips, Town Attorney

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