



**THE MUNICIPAL CODE**

**OF THE**

**TOWN OF LIMON, COLORADO**

**County of Lincoln**

**State of Colorado**

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Colorado municipal corporation

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# OFFICIALS OF THE TOWN OF LIMON

Town Hall

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2018

JULIE COONTS	Mayor
AVRIL BEATTIE	Trustee
BENJAMIN FERREE	Trustee
SHELLEY HENDRIX	Trustee
LINDA HOOVER	Trustee
JASON PARMER	Trustee
BO RANDOLPH	Trustee
GREG TACHA	Town Manager
CHRIS SNYDER	Clerk/Treasurer
STAN KIMBLE	Town Attorney

**CERTIFICATION**

**TOWN OF LIMON**

**Offices of the Mayor and Town Clerk**

We, JULIE COONTS, Mayor of the Town of Limon, and CHRIS SNYDER, Town Clerk of the Town of Limon, hereby certify that the chapters contained in this volume are based upon the original ordinances of the Board of Trustees of the Town of Limon, Colorado and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute a true copy of *The Municipal Code of the Town of Limon, Colorado*, as adopted by Ordinance No. 371 of the Board of Trustees on December 2, 1993, as amended.

Given under our hands and the Seal of the Town of Limon, County of Lincoln, State of Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, at Limon, Colorado.

\_\_\_\_\_  
Julie Coonts, Mayor

\_\_\_\_\_  
Chris Snyder, Town Clerk

(S E A L)

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

**TABLE OF CONTENTS**

**CHAPTERS**

100 - GENERAL PROVISIONS AND ADMINISTRATION

200 - POLICE AND FIRE DEPARTMENTS

300 - PUBLIC WAYS AND PLACES

400 - ORDINANCES NOT REPEALED

500 - PUBLIC HEALTH

600 - OFFENSES

700 - BUSINESS AND TRADE

## **PREFACE**

The Town of Limon has, like other Colorado municipalities, passed through the legislative history that characterizes many communities in their early stages. While only a few simple laws were necessary at the time of the establishment of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up to date. It was with thoughts such as these in mind that the Mayor and Board of Trustees ordered the following recodification of the Town's legislation.

### Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Board of Trustees of the Town of Limon. In accordance with recognized codification procedures, any revisions or amendments made in existing legislation in the course of the codification, upon authorization of the Board of Trustees, are referred to in the ordinance adopting the Code and are adopted thereby.

### Reserve Chapters

Space has been provided for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)."

### Grouping of Ordinances and Arrangement of Chapters

The legislation of the town is organized into chapters, the order being the same as was adopted in the original codification of the Limon, Colorado, Municipal Code of 1958. In such chapters, use of section designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the arrangement of material by chapter and sections as a means of identifying specific areas of legislation.

Chapter and Section Histories

Throughout the chapters and sections is located the legislative history of that chapter. This History indicates the specific legislative source from which the chapter or section was derived and the date of adoption. In the case of chapters or sections containing changes derived from more than one item of legislation, the source of each change is indicated in the History.

**Table of Contents**

**100 - GENERAL PROVISIONS AND ADMINISTRATION ..... 1**

110 - Explanatory Material, Penalty, Repeal ..... 1

111 - Adoption of Municipal Code ..... 1

120 - Legislative Functions ..... 2

121 - Wards and Precincts ..... 2

122 - Rules and Regulations ..... 2

130 - Town Administration ..... 3

131 - Town Officers ..... 3

    131.1. Mayor ..... 3

    131.2. The Board of Trustees ..... 4

    131.4. Operator in Responsible Charge..... 5

    131.6. Town Manager ..... 5

    131.8. Town Clerk; Town Treasurer ..... 7

    131.9. Town Attorney ..... 8

132 - Salaries ..... 8

133 - Zoning ..... 8

134 - Utility Service Billing ..... 9

135 - Water Department ..... 10

    135.2. General Provisions ..... 10

    135.3. Service Pipes ..... 11

    135.4. Meters - Rates ..... 11

137 - Sewer Department ..... 16

    137.1. Definitions ..... 16

    137.2. County Health Department, Health Officer..... 19

    137.3. Town Responsibilities ..... 19

    137.4. Wastewater Service ..... 20

    137.5. Connection and Installation of System..... 21

    137.6. Costs and Charges ..... 23

    137.7. Individual Wastewater Disposal Systems ..... 26

    137.8. Prohibitions and Limitations on Wastewater Discharge ..... 27

    137.9. Control of Prohibited Wastes ..... 29

    137.12. Enforcement and Penalties ..... 31

    137.13. Effective Date ..... 33

138 - Boards and Commissions ..... 33

    138.1. Library Board ..... 33

    138.2. Cemetery Board ..... 34

    138.4. Planning Commission ..... 34

139 - Disposition of Unclaimed Property ..... 35

140 - Court..... 36

141 - Organization of Limon Municipal Court..... 37

150 - Administrative Matters ..... 39

151 - Legal Holidays ..... 39

152 - Official Map ..... 39

153 - Fiscal Year ..... 39

155 - Non-Domestic Pretreatment ..... 39

    155.1. General Provisions..... 39

155.2. General Sewer Use Requirements ..... 43

155.3. Pretreatment of Wastewater ..... 46

155.4. Wastewater Discharge Permit Application ..... 47

155.5. Wastewater Discharge Permit Issuance Process ..... 48

155.6. Reporting Requirements ..... 51

155.7. Compliance Monitoring ..... 55

155.8. Confidential Information ..... 56

155.9. Publication of Users in Significant Noncompliance ..... 56

155.10. Administrative Enforcement Remedies ..... 56

155.11. Judicial Enforcement Remedies..... 58

155.12. Supplement Enforcement Action..... 59

155.13. Affirmative Defenses to Discharge Violations ..... 59

155.14. Annual Discharge Permit Fees ..... 61

155.15. Miscellaneous Provisions ..... 61

160 – Finance ..... 62

161 - Municipal Contracts, Purchases, Conveyances ..... 62

162 - Budget ..... 62

163 - Depository for Funds of the Town of Limon ..... 62

164 - Reserved ..... 62

165 - Use of Public Right of Way ..... 63

170 - Employees ..... 78

171 - Pay Roll Claims ..... 78

173 - Sick Leave; Vacation ..... 78

180 - Annexation and Subdivisions ..... 78

181 - Annexation ..... 78

182 - Subdivisions of Land Within the Town of Limon ..... 78

183 - Costs ..... 78

184 - Flood Conditions ..... 78

**200 - POLICE AND FIRE DEPARTMENTS ..... 79**

201 – General ..... 79

211 - General Police Duties and Powers ..... 79

230 - Emergency Response Authority for Hazardous Materials Incidents ..... 81

250 - Emergency Medical Services ..... 84

**300 - PUBLIC WAYS AND PLACES ..... 85**

310 - Public Parks and Roadways ..... 85

311 - Parks ..... 85

320 - Other Public Ways ..... 85

321 - Sidewalks, Curbs and Gutters ..... 85

330 - Maintenance and Care of Public Property ..... 87

331 - Collection and Removal of Rubbish and Hygienic Regulations Pertaining to  
Public Property ..... 88

340 - Occupancy of Public Property ..... 88

341 - Parades, Assemblies and Meetings ..... 88

350 - Survey and Platting ..... 89

351 - Excavation ..... 89

352 - Street and Building Numbering System ..... 89

360 - Pershing Memorial Cemetery ..... 90

**400 -- ORDINANCES NOT REPEALED ..... 93**

410 - Text of Ordinances Not Repealed ..... 93

411 - (No. 68) - Use, Storage, and Sale of Inflammable Liquids ..... 93

412 - (No. 107) - Sale and Use of Fireworks ..... 94

420 - Historical Numbered Designations of Ordinances ..... 96

**500 - PUBLIC HEALTH ..... 110**

510 - General Administration ..... 110

513 - Uniform Building Code ..... 110

514 - Abatement of Dangerous Buildings ..... 118

515 - Manufactured Home Installation Code ..... 121

520 - Nuisances ..... 130

521 - Junk, Junked Vehicles, and Junkyards ..... 133

524 - Arboriculture ..... 135

525 - Control of Undesirable Plants ..... 138

530 - Health Regulations Pertaining to Animals ..... 141

531 - Pertaining to Dogs ..... 141

532 - Pertaining to Livestock..... 148

540 - Health Regulations Pertaining to Business..... 148

550 - 550 - Regulations for Refuse and Recycling ..... 148

**600 - OFFENSES ..... 156**

610 - Children ..... 156

611 – Offenses Affecting Children ..... 156

612 – Prohibition and Consumption of Tobacco Products by Minors ..... 156

630 - Offenses Against Public Order and Safety ..... 158

632 - Disturbance and Noise ..... 158

635 - Offenses Affecting the Fire Department ..... 158

636 - Traffic Regulation and Offenses ..... 159

637 - Heavy Vehicle Routes ..... 162

638 - Angle Parking ..... 163

**700 - BUSINESS AND TRADES ..... 165**

710 - Regulation of Transient Sales..... 165

720 - Taxation ..... 167

721 - Telephone Companies ..... 167

722 - Telephone Utility Companies ..... 168

723 - Sales and Use Tax ..... 168

730 - Alcoholic Beverages ..... 173

732 - Prohibition of the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores..... 174

750 - Franchises ..... 175  
751 - Franchise Application Fee ..... 175  
752 - Natural Gas Franchise – Black Hills Colorado Gas Utility Co LP ..... 176  
753 - Mountain View Electric Association ..... 182  
760 - Adult Entertainment Establishments ..... 185



**100 - GENERAL PROVISIONS AND ADMINISTRATION**

**110 - Explanatory Material, Penalty, Repeal**

**111 - Adoption of Municipal Code**

HISTORY: 1958 Municipal Code

**111.1. Title and Scope.** This code containing seven main chapters shall be known as “**THE MUNICIPAL CODE OF THE TOWN OF LIMON, COLORADO**”, and may be cited by that term or by the term “**MUNICIPAL CODE**” and shall be treated and considered as a new and comprehensive ordinance. This code shall supersede all ordinances heretofore enacted and shall repeal all ordinances, or part of ordinances in conflict with the provisions hereinafter contained.

**111.2. Establishing General Rules of Construction.**

**111.2.1. Construction of Words.** Whenever any word in any section of this code importing the plural number is used, in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included. The words "person, firm, or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words "this ordinance" shall be held and taken to mean the entire code, including each and every section thereof. The word "town" whenever used in this code shall be held and taken to mean the Town of Limon, Colorado. The words "written" and "in writing" may include printing. Provided, that these rules of construction shall not be applied to any section of this code which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

**111.2.2. Officers and Employees.** Whenever reference is made in this code to a town officer or employee by title only, this shall be construed as though followed by the words "of the Town of Limon, Colorado" and shall be taken to mean the officer or employee of this town having the title mentioned or performing the duties indicated.

**111.2.3.** No provision of this code designating the duties of any officer or employee shall be so construed

as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**111.2.4. Penalties for Violations.** In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

**111.2.4.1.** Whenever in this code a minimum but not maximum fine or penalty is imposed, the court, in its discretion, may fine the offender any sum exceeding the minimum fine or penalty so imposed but not exceeding the amount of five hundred dollars (\$500.00).

**111.2.4.2.** Whenever in this code the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined not more than five hundred dollars (\$500.00) for each offense.

(Amended January 2, 1997 by Ordinance No. 411)

**111.3. Repealing Clause.**

**111.3.1. Repeal of General Ordinances.** All general codes and ordinances of the town passed prior to the passage of this code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal, subject to the saving clauses contained in the following section, from which are excluded the following codes or ordinances which are not hereby repealed; tax levy ordinances, appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; building ordinances, zoning ordinances, and all special ordinances.

**111.3.2. Public Utility Ordinances.** No code or ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the passage of this ordinance or by virtue of the preceding section, excepting as this code may contain provision for such matters, in which case this code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

**111.3.3. Pending Suits.**

**111.3.3.1.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

**111.3.3.2.** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

**111.3.3.3.** Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the passage of this ordinance.

**111.3.4. Severability.** If any provision of this Code or any provision of any rule or regulation lawfully promulgated hereunder or any application of this Code or rule is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or application of the Code or rules or regulations. The Board of Trustees hereby declare that in these regards the provisions of this Code and all rules and regulations promulgated hereunder are severable.

**111.4. Publication; Effective Date.** This Code is hereby ordered published in loose leaf notebook form, and the Town Attorney is hereby authorized to effectuate the publication of this Code in book form as aforesaid. In the opinion of the Town Board an emergency exists, and the immediate passage of this ordinance is hereby declared necessary for the preservation of the public peace, health, and safety, therefore this ordinance shall be in full force and effect five (5) days from and after its final passage and publication as provided by law. (Amendments to the original Code thereafter shall be governed by publication and effective date as provided in Colorado State Statutes in effect at the time of adoption of said amendment).

(Amended on November 6, 2014 by Ordinance No. 577)

**111.5. Amendments.** Any additions or amendments to the Code of the Town of Limon, Colorado, when passed in such form as to indicate the intention of the Town Board to make the same a part hereof, shall be deemed to be incorporated in this revision so that reference to the Code shall be understood as including them.



**120 – LEGISLATIVE FUNCTIONS**

**121 - Wards and Precincts**

HISTORY: 1958 Municipal Code

**121.1. Precincts.** Pursuant to statute, the Town of Limon shall have one voting precinct, the boundary of which shall be all that area within the incorporated said Town of Limon town limits.



**122 - Rules and Regulations**

HISTORY: 1958 Municipal Code (Amended November 6, 2014 by Ordinance No 577)

**122.1. Definitions.** The following words and phrases, wherever used in this section 122, shall be defined as follows:

**122.1.1. Rules and Regulations:** the whole or any part of rules and regulations adopted pursuant to statute or ordinance authority, and includes modifications and amendments, but shall not include executive orders or matters relating exclusively to internal management and procedure.

**122.1.2. Adopting Authority:** any officer, employee, agent, or agency of the Town of Limon, including boards or commissions or members thereof, authorized by ordinance to make rules and regulations.

**122.1.3. Ordinance:** any ordinance adopted by the Board of Trustees of the Town of Limon, and shall include any code or compilation of ordinances, or any part thereof, adopted under the authority of the Board of Trustees.

**122.2. Authority to Adopt.** No officer, employee, agent, or agency, board or commission or member thereof of the Town of Limon shall have power or authority to adopt any rules or regulations save and except by and under the authority of specific provision of statute or ordinances of the Town of Limon, setting forth the area and scope of rules and regulations permitted and specifying the person authorized to make rules and regulations.

**122.3. Submission to Town Attorney; Publication; Filing.** Proposed rules and regulations shall be submitted to the Town Attorney and shall be subject to approval by him for legality. Before becoming effective, such rules and regulations shall be published in accordance with either of the methods set forth herein below, selection of the method to be followed to be made by the adopting authority.

**122.3.1.** By publishing the rules and regulations in full as adopted by ordinance pursuant to section 31-4-102 (3) or 31-4-302, in accordance with the provisions of section 31-16-104, once only in a newspaper of general circulation in the Town of Limon.

**122.3.2. Adoption by Reference.** By filing one copy of the rules and regulations with the Town Clerk, one copy with the Town Attorney, and one copy with the person authorized to make the rules and regulations; provided, however, that if this method of publication be adopted, there shall be published by the adopting authority a notice stating that the filings have been made, and setting forth the dates of such filings. Such notice shall be published once in a newspaper of general circulation.

**122.4. Public Inspection.** The Town Clerk shall make such rules and regulations available to public inspection at all reasonable times.

**122.5. Repeal.** Notice of repeal of rules and regulations shall be published once in the official newspaper of the Town of Limon.

**122.6. Enforcement.** Rules and regulations may not be enforced except upon compliance with the provisions hereof.

**122.7. Existing Rules; Regulations.** Nothing in Section 122.6. shall be interpreted, however, to nullify or limit the effectiveness of valid rules and regulations presently existing, but all such valid rules and regulations shall remain effective and enforceable, and copies thereof shall be filed in the office of the Town Attorney and with the Town Clerk within sixty (60) days of the effective date hereof.



**130 – TOWN ADMINISTRATION**

**131 - Town Officers**

HISTORY: 1958 Municipal Code. Amendments noted where applicable.

**131.1. Mayor.** At the April 4, 1972, election, and at the regular election every four years thereafter, a mayor shall be elected to serve a four-year term and shall serve until his successor is elected and qualified as is provided by statute.

(Amended December 21, 1971 by Ordinance No. 215; Amended November 6, 2014 by Ordinance No 577)

**131.1.1. Duties.** The mayor shall be the chief executive officer of the town, shall preside over the meeting of the Board of Trustees, and shall perform such duties as may be required by statute, code or ordinance. The mayor shall be an administrator for the employee's pension plan and shall execute those duties under the advisement of the Board of Trustees.

**131.1.2. Formal Occasions.** The mayor shall act for and on behalf of the Town on formal occasions and receptions; but in the mayor's absence or inability to attend any such function the Town Board may select any other town officer to so act.

**131.2. Board of Trustees.**

**131.2.1. Election – Functions.** The Board of Trustees, consisting of six members shall be elected according to the method provided by statute. At the April 4, 1972 election, six trustees shall be elected. The three candidates for trustee receiving the highest number of votes shall be elected for four-year terms, and the three candidates for trustee receiving the next highest numbers of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three trustees shall be elected to serve four-year terms.

(Amended December 2, 1971 by Ordinance No. 215)

**131.2.1.1.** This Board of Trustees shall be the legislative department of the town government, and shall perform such duties and have such powers as may be delegated by statute to it.

**131.2.1.2. Appointment of Officers**

(Amended November 6, 2014 by Ordinance No. 577)

**131.2.1.2.1.** Pursuant to Colorado Revised Statutes Title 31, Article 4, Part 304, the Board of Trustees shall appoint officers of the town.

**131.2.1.2.2.** The Board of Trustees shall appoint a clerk, treasurer, and town attorney, or shall provide by ordinance for the election of such officers, and may appoint such other officers as it deems necessary for the good government of the corporation, and it shall prescribe by ordinance their duties when the same are not defined by law and the compensation or fees they are entitled to receive for their services.

**131.2.1.3 Mayor Pro-Tem** At its first meeting following an election, the Board of Trustees shall choose one of the trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of said board or during the Mayor's absence from the town or the Mayor's inability to act, shall perform the Mayor's duties.

(Amended November 6, 2014 by Ordinance No. 577)

**131.2.2. Oath – Salary.** The members of the Board of Trustees shall take the oath of office prescribed by statute, and shall receive such compensation as may be provided by ordinance.

**131.2.3. Meetings.** The Town Board shall hold its regular meetings in the Town Hall on the first Thursday of each month at 7 PM. The meeting place of said board shall be at the Town Hall, unless ordered by the

Board of Trustees to be held at another place. Special Meetings may be called by the Mayor of the Town or any three Trustees upon requirements defined in the Colorado Revised Statutes. Notice of all regular and special meetings shall comply with requirements defined in the Colorado Revised Statutes.

(Amended February 5, 2009 by Ordinance No. 528.)

**131.2.4. Mayor.**

(Deleted on November 6, 2014 by Ordinance No. 577)

**131.2.5. Order of Business.** The order of business of the Board of Trustees of the Town of Limon, Colorado shall be as follows:

1. Roll call.
2. Pledge of allegiance
3. Approval of minutes of the preceding meeting.
4. Citizen input opportunity
5. Communications, proclamations, resolutions, ordinances and other business.
6. Reports of administration.
7. Reports of mayor and trustees.
8. Consideration of the bills.

(Amended November 6, 2014 by Ordinance No. 577)

**131.2.6. Rescinded Action.** No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board unless there be present at such special meeting as many members of the Board as were present at the meeting when such vote or action was taken, as provided by statute.

**131.2.7. Ordinances, Resolutions, and Proclamations.** All Ordinances, Resolutions and Proclamations shall be submitted to the Board of Trustees in writing before being voted upon.

(Amended November 6, 2014 by Ordinance No. 577)

**131.2.8. Addressing Meetings.**

Deleted in its entirety November 6, 2014 by Ordinance No. 577

**131.2.9. Suspension of Rules.** The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.

**131.2.10. Robert's Rules of Order.** Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules.

**131.2.11. Quorum.** A majority of the current Board of Trustees shall constitute a quorum to do business, but no ordinance or resolution shall be passed except upon the favorable vote of a majority of the Trustees present at the meeting where the ordinance or resolution was considered, except as otherwise required by statute.

(Amended November 6, 2014 by Ordinance No. 577)

**131.2.12. Committees.** Such standing and special committees as from time to time the Board of Trustees may direct shall be appointed by the mayor.

**131.2.13. Disturbing Meetings.** It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof; any person violating the provisions of this section shall be subject to a fine not less than one hundred dollars (\$100) and not to exceed five hundred dollars (\$500).

**131.2.14. Trustees to Fill Vacancy.** The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term.

(Amended December 2, 1971 by Ordinance No. 215; Amended November 6, 2014 by Ordinance No. 577)

**131.3. Building Inspector.**

(Deleted June 6, 1996 by Ordinance No. 398)

**131.4. Operator in Responsible Charge** The Operator in Responsible Charge shall have the authority to effectuate change in the operations of the water and wastewater systems, as applicable, to assure compliance with the standards required of the Town by permits and enforcement agencies including but not limited to the Colorado Department of Public Health and Environment (CDPHE) and the Environmental Protection Agency (EPA).

(Added November 6, 2014 by Ordinance No. 577)

**131.4. Plumbing Inspector.**

(Deleted June 6, 1996 by Ordinance No. 398)

**131.5. Town Superintendent.**

(Deleted June 6, 1996 by Ordinance No. 398)

**131.6. Town Manager.**

(Added June 6, 1996 by Ordinance No. 398; Amended on July 11, 2002 by Ordinance No. 477; Amended November 6, 2014 by Ordinance No. 577)

**131.6.1. Appointment.** The Town Manager shall be appointed by the Board of Trustees at the first meeting following a regular municipal election or at such time the need to fill a vacancy may exist.

**131.6.2. Statement of Duties.**

**131.6.2.1.** The Town Manager performs highly responsible administrative and managerial work in serving as the chief administrative officer of the Town of Limon. The Town Manager shall be responsible to the Board of Trustees for the efficient administration of the Town's affairs.

**131.6.2.2.** The Town Manager performs highly responsible work directing and managing the Town's public works operations and systems including, but not limited to: construction, repair and maintenance of streets, operation of water and wastewater systems, storm drainage, cemetery, golf course, swimming pool, parks and recreation, sanitation and airport. The Town Manager shall be responsible to the Board of Trustees for the efficient operation of the Town's public works.

**131.6.2.3.** The Town Manager will be exempt from Fair Labor Standards and from portions of the Personnel Rules and Regulations pertaining to Probationary Period, Employee Discipline, and Grievance Procedure.

**131.6.2.4.** The Town Manager shall attend all meetings of the Board of Trustees, shall keep the Board of Trustees informed as to the affairs of the Town, and shall recommend to the Board of Trustees such actions as may be necessary or expedient for the welfare of the Town.

**131.6.2.5.** The Town Manager shall be charged with the enforcement of all ordinances within the municipality insofar as their enforcement is within the powers of the Town.

**131.6.3. Employees.** The Town Manager shall have the following general authority and duties concerning the Administrative Department, the Public Works Department and all other employees of the Town except the Police Department. The Town Manager shall carry out those duties in accordance with the Town's policies and all applicable state and federal laws:

**131.6.3.1.** The Town Manager shall hire and discharge all employees of the Administrative

Department, the Public Works Department and all other employees of the Town except those employed within the Police Department.

**131.6.3.2.** The Town Manager is empowered and authorized to generally direct the employees stationed in the Administrative Department and the Public Works Department, including but not limited to the Code Enforcement Technician/Building Inspector and the Billing Clerk/Deputy Clerk. Further, except for those duties specifically given to the Town Clerk/Treasurer, by state statute, the Town Manager shall generally supervise the Town Clerk/Treasurer as to all administrative duties and functions assigned to the Town Clerk/Treasurer by the Board of Trustees.

**131.6.3.3.** The Town Manager shall further carry out and supervise all assigned administrative duties required in accordance with the Towns policies and all applicable state and federal laws.

**131.6.4. Purchases.** The Town Manager shall be the general purchasing agent of the Town. The Purchasing Policy of the Town of Limon shall guide all purchases by the Town of Limon. (Amended November 6, 2014 by Ordinance No. 577)

**131.6.5. Appropriation and Levies.**

**131.6.5.1.** It shall be the duty of the Town Manager to cause to be prepared each year the annual budget and appropriation ordinance in time for consideration and enactment by the Board and to prepare the tax levy ordinance for passage and file a certified copy thereof with the county clerk within the time required by law.

**131.6.5.2.** The Town Manager shall keep current accounts of the amounts appropriated and the amounts spent out of each appropriation, showing the unexpended appropriations at all times.

**131.6.6. Accounts.** It shall be the duty of the Town Manager to keep, or cause to be kept, current accounts, showing at all times the fiscal condition of the Town, including the current and anticipated expenses, appropriations, cash on hand and anticipated revenue of all municipal funds and accounts; and he shall see to the collection of all money due the Town.

**131.6.7. Inventories.** The Town Manager shall keep, or cause to be kept, a current inventory showing all real and personal property of the Town and its location.

**131.6.8. Reports and Publications.** It shall be the duty of the Town Manager to see to the publication of all

notices, ordinances and other documents required by law to be published, all reports which the Town or any of the officials thereof are required by law to prepare.

**131.6.9. Elections.** The Town Manager shall assist the Town Clerk with all notices, ballots, and election provisions necessary in connection with municipal elections.

**131.6.10. Records and Certificates.**

**131.6.10.1.** The Town Manager shall make available to the Custodian of Records, Town Clerk, all necessary clerical assistance for the preparation of all municipal records required by law to be kept by the Town and shall make available a place for the custody of such records. Also, in compliance herewith, the Town Manager shall make available to the Clerk, stenographic or clerical assistance necessary for the preparation of the journal of Town Board Proceedings, and the record of ordinances and all other documents which by law the Clerk is required to keep; and the manager shall perform similar service for the treasurer in the maintenance of bond registers, and all other records or documents which by law the treasurer is required to keep or prepare.

**131.6.10.2.** Where the law requires or provides for certification of any records or documents by an officer of the town, the Town Manager shall cause such records or documents to be properly prepared and presented to such officer for his/her signature.

**131.6.11. Pension Plan Administrator**

**131.6.11.1** The Mayor, Town Manager and Town Clerk shall be administrators for the Town's employee pension plan and shall execute those duties under the advisement of the Board of Trustees.

(Added November 6, 2014 by Ordinance No. 577)

**131.6.12. Maps and Plats.** The Town Manager shall cause to be kept a complete set of maps and plats showing the location of all town utilities, and other municipal properties, all streets and other public places, and all lots and parcels of land subdivided according to law.

**131.6.13. Offices.** The Town Manager shall maintain an office in the Town Hall and shall spend such time in the performance of duties as may be required by the Board of Trustees.

**131.6.14. Absence from the Town.** In the event that the Town Manager is absent from the Town or

incapacitated to such a degree he/she is unable to perform the duties required of his/her position, the Town Manager shall designate which staff member shall act as Town Manager during such absence or incapacity. This designation shall occur at the first meeting of each year and such designation shall be effective for the remainder of the year, upon approval by the Board of Trustees. In the event that the designated staff member desires to be removed from such designation, the designated employee leaves employment with the Town of Limon, or the Town Manager believes that another employee would better fulfill those obligations and responsibilities in the absence of the Manager; the Town Manager may reselect his designee at any time subject to approval of the Board of Trustees.

**131.6.15. Property.** The Town Manager shall be responsible for the care and custody of all such property including equipment, buildings, parks and all other town property, which is not by law assigned to some other officer or body for care and control.

**131.7. Public Works Director.**

(Added June 6, 1996 by Ordinance No. 398; Section deleted in its entirety May 6<sup>th</sup>, 2010 by Ordinance No. 538.)

**131.8. Town Clerk / Treasurer.**

(Amended on July 11, 2002 by Ordinance No. 477, Amended November 6, 2014 by Ordinance No. 577)

**131.8.1. Appointment.** The office of Town Clerk and Town Treasurer shall be filled by the same person until such time as the Code may be amended by the Board of Trustees. The Board of Trustees shall appoint the Clerk / Treasurer at the first meeting following a regular municipal election or at such time the need to fill a vacancy may exist.

**131.8.2. Statement of Statutory Duties.** The Town Clerk / Treasurer is appointed by the Board of Trustees, pursuant to Title 31, Part 4, Section 304 of the Colorado Revised Statutes. Pursuant to state statute, the Town Clerk is given the following statutory duties:

**131.8.2.1.** To attend all meetings of the board of trustees and to make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the Board of Trustees.

**131.8.2.2.** To be the custodian of the records of the Town, not otherwise assigned to another officer, which records are to be in the Clerk's custody and shall be open to inspection at all reasonable times and under reasonable regulations established by the Town as provided in the Open Meetings Law. The records

maintained by the Town Clerk shall include any codes adopted by reference by the Board.

**131.8.2.3.** To be the election official, as defined by statute, for all municipal elections and to fulfill all duties of the election official.

**131.8.3. Supervisory Authority as to Statutory Duties.** The Town Clerk / Treasurer, as to those statutory duties set forth above, as well as any other duties that may subsequently be assigned to the Town Clerk / Treasurer by state statute, is empowered and authorized to generally direct the employees stationed in the Administrative Department, including but not limited to the Code Enforcement Technician/Building Inspector and the Billing Clerk / Deputy Clerk, provided that such supervision does not interfere with the duties, authority, and objectives of the Town Manager.

**131.8.4. Statement of Assigned Duties.** The Town Clerk / Treasurer is also subject to all policies of the Town of Limon and responsible for the fulfillment of all duties imposed by the Board of Trustees. The assigned duties of the Town Clerk / Treasurer shall include but not necessarily be limited to those duties set forth in the following:

**131.8.4.1.** The Town Clerk / Treasurer shall have financial responsibilities to include payroll, investments, vouchers payable, cash receipts, accounts payable and receivable and as an administrator of the Town's employee pension plan and shall execute those duties under the advisement of the Board of Trustees.

**131.8.4.2.** The Town Clerk / Treasurer shall have responsibility for the entering of all financial information into the Town computer and software network as provided by the Town.

**131.8.4.3.** The Town Clerk / Treasurer shall be responsible for all information and notice management including posting of notice, when necessary, and publication of all notices, ordinances, resolutions, and other documents required by law to be published including but not limited to minutes and the agendas for the Board of Trustees, Planning Commission, and the Board of Adjustment meetings.

**131.8.4.4.** The Town Clerk / Treasurer shall be responsible for the issuance of licenses and permits, applicable to his or her position, and for the handling of Town insurance policies, including Workers Compensation and health insurance, as well as other benefit programs.

**131.8.4.5.** The Town Clerk / Treasurer shall be responsible for the monitoring of all required substance abuse compliance programs.

**131.8.4.6.** The Town Clerk / Treasurer shall be responsible for the collection of all money due to the Town.

**131.8.5. Supervision and Supervisory Authority as to Assigned Duties.** As to all assigned duties, as set forth above and any other duties subsequently assigned by the Board, the Town Clerk / Treasurer shall be under the supervision of the Town Manager. Subject to the Town Manager's overall administrative supervising authority, the Town Clerk / Treasurer, is empowered and authorized to generally direct the employees stationed in the Administrative Department, including but not limited to the Code Enforcement Technician/ Building Inspector and the Billing Clerk / Deputy Clerk.

**131.9. Town Attorney.**

**131.9.1. Appointment.** The office of Town Attorney shall be filled by a person who is licensed and in good standing to practice law in the State of Colorado. The office may be subject to competitive bidding at the discretion of the Board of Trustees. The Board of Trustees shall appoint the Town Attorney at the first meeting following a regular municipal election or at such time the need to fill a vacancy may exist.

**131.9.2. Statement of Duties.** The Town Attorney shall attend all meetings of the Town Board unless directed otherwise by the Mayor or Town Manager. The Town Attorney shall also attend meetings of the Planning Commission, Board of Adjustment, or other municipal meetings or functions when so requested by the Town Manager. The Town Attorney is required to address all legal questions given to him or her by the Mayor, Board of Trustees, Town Manager, Police Chief, and the Town Clerk / Treasurer, unless a Town policy directs otherwise. The Town Attorney shall further perform such other duties as may be required of him or her by ordinance, or by request of the Mayor, Town Manager, Police Chief, and the Town Clerk / Treasurer."



**132 - Salaries**

HISTORY: 1958 Municipal Code

**132.1. Establishment.**

The officials and employees designated herein shall receive the monthly salaries indicated:

<u>Title</u>	<u>Salary</u>
Mayor	\$ 49.75
Trustee	45.00

(Amended by Ordinance No. 380 on October 6, 1994 and by Ordinance 436 on December 16, 1999)

**132.2. Payment.** All wages and salaries shall be paid pursuant to the Personnel Policy of the Town of Limon. Deductions, as provided by law and the Personnel Policy of the Town of Limon, shall be made, including but not limited to, for pension funds, social security, withholding, or income tax, insurance.

(Amended on November 6, 2014 by Ordinance No. 577)



**133 - Zoning**

HISTORY: 1958 Municipal Code; Portions repealed by Ordinance No. 376 adopted on June 2, 1994 where Land Development Code addresses and supercedes.

HISTORY: Pursuant to powers in the 1958 Municipal Code, Ordinance No. 188 adopted July 1, 1965, was added to Sections 133 - Zoning. See Land Development Code for additional information.

**133.1. Definitions.**

**133.1.1. Basement House**

Deleted in its entirety on November 6, 2014 by Ordinance No 577)

**133.2. Basement Houses and Moving Houses.**

(Added March 3, 1966 by Ordinance no. 191, Deleted in its entirety on November 6, 2014 by Ordinance No 577)

**133.3. Board of Adjustment.**

(Amended completely on September 11, 1997 by Ordinance No. 415)

**133.3.1.** A Board of Adjustment is hereby established. The Board shall consist of five members and shall be appointed by the Board of Trustees, each to be appointed for a term of three years, except that of the

first board appointed after this Ordinance, two members shall be appointed for a term of three years, two members shall be appointed for a term of two years and one member for a term of one year. The presence of four members shall constitute a quorum and any action to reverse or modify any order, requirement, decision or determination appealed from or approve any variance request shall require four votes for approval. A motion to uphold any order, requirement, decision, or determination or deny any variance request shall require a majority of the board's membership present.

**133.3.2.** A vacancy in the Board shall be appointed by the Board of Trustees to complete the term of the members replaced.

**133.3.3.** Members of the Board may be removed from office by a two-thirds vote of the Board of Trustees upon a motion including a statement of the specific reasons or findings of fact that support a motion for removal on the grounds of inefficiency, neglect of duty or malfeasance in office. The vacancy created would be filled pursuant to Section **133.3.2**.

**133.3.4.** The Land Development Code adopted by Ordinance No. 376, as amended, provides the appeal and variance process decided on by the Board of Adjustments.

**133.4. Certificate for Occupancy for Land.**

(Deleted in its entirety on November 6, 2014 by Ordinance No. 577)

**133.5. Plats.**

(Deleted in its entirety on November 6, 2014 by Ordinance No 577; refer to the Land Development Code)

**133.6. Interpretation, Conflict and Purpose.** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirement for the promotion of the public health, safety, morals, order, conveniences, happiness, prosperity, and general welfare. It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements, between parties; provided, however, that wherever this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or easements, covenants, or agreements, the provisions of this code shall govern.



**134 – Utility Service Billing**

**134.1.** Utility Billing shall include all billings for Water (Section **135**), Wastewater (Section **137**), Sanitation (Section **550**), as well as Miscellaneous Billings. These billings shall be combined on a single Utility Service Bill. The sum of these billings shall be the Principal Amount Owed. The Utility Service Bill shall include any Principal Amount Owed as well as any penalty fees and interest fees allowed by Section **134**.

HISTORY: Added on July 1, 1999 by Ordinance No. 431; Amended November 5, 2009 by Ordinance No. 532; Amended November 6, 2014 by Ordinance No. 577.

**134.2. Billing Date.** The Utility Service Bill described in Section **134.1**. shall be mailed by the first working day of each month.

**134.3. Due Date.** The Utility Service Bill shall be due and payable on the fifteenth (15<sup>th</sup>) day of the month.

**134.4. Delinquent Date.** The Utility Service Bill shall be considered delinquent seven (7) days following the Due Date and shall be subject to a Penalty Fee in the amount of fifteen dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due, whichever is greater.

(Amended November 5, 2009 by Ordinance No. 532.)

**134.5. Shut-Off-Date.** Water Service shall be shut-off on the Delinquent Date of the following month. In cases where the Water Service is shut-off due to delinquency, a Reconnect Fee of twenty-five dollars (\$25) and all amounts due will be paid before water service is restored.

**134.6. Interest.** In addition to the Penalty Fee, on the Delinquent Date of the following month, interest will be charged at the rate of one and one-half percent (1.5%) per month, not to exceed an annual percentage rate of eighteen percent (18%) on the Principal Amount Owed.

**134.7. Delinquent Notice.** On the Delinquent Date a Delinquent Notice shall be mailed to the customer. Such Delinquent Notice shall state the amount of the Billing for Utility Services, the amount of penalty fee and the Shut-Off date and Reconnect Fee. The delinquent notice to be mailed under the provisions of this section shall be substantially as follows:

\_\_\_\_\_ 20\_\_\_\_\_

Your account # \_\_\_\_\_ is now delinquent in the principal amount of \$ \_\_\_\_\_.

A Penalty Fee of \$ \_\_\_\_\_ has been assessed.

The total amount owed is now \$ \_\_\_\_\_.

If this amount is not paid in full by \_\_\_\_\_, service will be discontinued without further notice.

A \$25.00 Reconnect fee will be charged if it comes necessary to disconnect your water service.

Accounts delinquent for more than 30 days are subject to an additional interest fee equal to 1.5% of the principal amount

All charges must be paid before service is re-established.  
TOWN OF LIMON

**134.8. Lien.**

**134.8.1.** Charges for water and sewer shall be a lien upon the premises as provided by statute. Whenever a bill for water service remains unpaid sixty days after it has been rendered, the clerk may file with the Treasurer of Lincoln County, a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the town claims a lien for this amount as well as for all charges for water served subsequent to the period covered by the bill.

**134.8.2.** If the consumer of water, whose bill is unpaid, is not the owner of the premises, and the clerk has notice of this, then notice shall be mailed to the owner of the premises, if his address is known to the clerk, whenever such bills remain unpaid for a period of sixty days after the bill is rendered.

**134.8.3.** The failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid water bills as mentioned in the following section.

**134.8.4. Foreclosure of Lien.**

(Deleted in its entirety on November 6, 2014 by Ordinance No. 577)



**135 - Water Department**

HISTORY: 1958 Municipal Code; Amended by Ordinance No. 398 on June 6, 1996; Amended on November 6, 2014 by Ordinance No. 577; Amended on December 3, 2015, by Ordinance No. 586; Amendments Noted as Shown

**135.2. Water Department General Provisions.**

**135.2.1. Turning On:** No water from the town water supply shall be turned on for service into any premises by any person but the Town Manager or some person authorized by him to perform this service.

**135.2.2. Plumbing:** No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the town; except that water may be turned on for construction work in unfinished buildings, subject to the provisions of this code.

**135.2.3. Water Service Connection Fees:** No connections with a water main shall be made without a permit issued and 24-hour notice having been given to the Town Manager. All such connections shall be made and all such work done at the expense of the applicant for service who shall also furnish materials necessary for such work; all such connections shall be made under the supervision of the Water Superintendent and no connection shall be covered until the work has been inspected by him/her or his/her designee. Applications for such connections must be made to the Building Inspector and the fee, according to the following schedule shall be paid:

**135.2.3.1. Connections Within the Town of Limon From the Effective Date of this Code, Charges Assessed to Each New Water Service, Based on Meter Size, Will be as Follows:**

<u>Size</u>	<u>Areas Inside The Town Limits or Annexed</u>	<u>Areas Outside The Town Limits</u>
3/4"	\$ 2,460.00	4,920.00
1"	3,284.00	6,569.00
1 1/2"	7,380.00	14,760.00
2"	13,100.00	26,199.00
3"	29,520.00	59,040.00
4"	52,472.00	104,944.00

(Amended May 9, 2002 by Ordinance No. 471)

**135.2.3.2.** Subdivisions having private parks with maintenance assessed to the owner thereof will be charged an additional water development fee of \$1,000.00 for each acre so developed.

(Amended December 1, 1977 by Ordinance no. 246)

**135.2.3.3.** Any permit to connect with a Town water main issued under the authority of this Section **135.2.3.** shall specify the street address or other legal description of the land or building for the service of which the permit is issued. The permit shall only be valid for connection to the Town water mains for service to the land or building described in the permit.

**135.2.3.4.** Any permit to connect with a Town water main issued under the authority of this Section **135.2.3.** shall expire and become null and void one year after the date of issuance thereof, unless connection is made to a Town water main under the authority of said permit within such one year period.

(Added May 7, 1981 by Ordinance No. 272)

**135.2.4. Resale.** No water shall be resold or distributed by the recipient thereof from the town supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

**135.2.5. Tampering.** It shall be unlawful for any person not authorized by the Town to tamper with, alter or injure any part of the town waterworks or supply system, or any meter.

**135.2.6. Penalty.** Any person, firm or corporation violating any provision of this code shall be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**135.3. Service Pipes.**

**135.3.1. Installation.** All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be served on the application for the service. Such installation shall be under the inspection of the Water Superintendent.

**135.3.2. Pipes.** No service shall be installed unless it conforms to standards and regulations promulgated by the Board of Trustees, a copy of which may be inspected at the office of the Town Clerk.

**135.3.3. Repairs.** All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Town may in case of an emergency or neglect, repair any service pipes and if this is done the cost of such

repair work shall be repaid to the Town by the owner of the premises served.

**135.3.4. Excavations.** Excavations for installing service pipes or repairing the same shall be made in compliance with the code provisions relating to making excavations in streets. Provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.

**135.3.5. Shut – Off Boxes.** Shut-off boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable, otherwise shall be between the sidewalk and property line or a location approved by the Water Superintendent. Such boxes shall be so located that they are easily accessible and of approved design.

**135.4. Meters – Rates.**

**135.4.1. Meters Required.** All premises using the town water supply must be equipped with an approved water meter furnished by the Town but paid for by the consumer; except that such water service may be supplied by the town at a flat rate of charge until such meter may be installed with the approval of the Town Manager.

**135.4.2. Installation.** Meters shall be installed in a location that will be easy to access.

**135.4.3. Reading Meters.** The Town Manager shall read or cause to be read every water meter used in the Town at such times as are necessary that the bills may be sent out at the proper time.

**135.4.4. Testing Meters.** Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of \$10.00. If upon test the meter is not within two per cent of being accurate, it shall be repaired or replaced and the \$10.00 fee returned to the consumer. If, the meter is correct according to the above standards, the \$10.00 fee shall be retained by the Town.

**135.4.5. Rates within the Corporate Limits of the Town of Limon.**

**135.4.5.1.** All premises which may now or may hereafter be constructed or created having a connection with any mains or pipes which may be used hereafter or are now constructed and used in connection with the Town water system shall pay the following rates per month:

**RATE SCHEDULE IN GALLONS**

\$16.09	First 3,999
\$3.87 per 1000 gallons	4000 14,999
\$4.03 per 1000 gallons	15,000 33,999
\$4.20 per 1000 gallons	34,000 up

**135.4.5.2.** The minimum (monthly) rate for all premises connected to the system by any tap whatsoever shall be \$14.80.

**135.4.5.3.** On an annual basis, these rates shall be adjusted by the amount of the previous year's Denver-Boulder-Greeley Consumer Price Index with no further action of the Board of Trustees. The annual adjustment will take place in the January billing beginning in 2017.

(Amended June 21, 1962 by Ordinance No. 180; Amended November 6, 1969 by Ordinance No. 210; Amended October 5, 1972 by Ordinance No. 220; Amended June 2, 1977 by Ordinance No. 243; Amended November 1, 1979 by Ordinance No. 263; Amended May 1, 1986 by Ordinance No. 316.; Amended December 5, 1996 by Ordinance No. 408; Amended November 12, 1998 by Ordinance No. 425; Amended December 4, 2008 by Ordinance 527; Amended November 5, 2009 by Ordinance No. 535, Amended on November 6, 2014 by Ordinance No 577); Amended December 3, 2015, by Ordinance No. 586)

**135.4.6. Bills.**

(Amended April 1, 1982 by Ordinance No. 285; Deleted July 1, 1999 by Ordinance No. 431 – See Utility Billing, Chapter 134)

**135.4.7. Bulk Water.**

(Amended March 6, 2008 by Ordinance No. 523, and on December 1, 2011 by Ordinance 551.)

**135.4.7.1. Bulk Water.** The Town Manager shall have the authority to sell bulk water pursuant to applicable laws and ordinances for use within the Town of Limon and outside the limits of the Town of Limon. All such treated water sales shall pay three (3) times the currently adjusted rates shown in section 135.4.5.1. – Rates Within the Corporate Limits of the Town of Limon for rate category 34,000-up plus other fees assessed pursuant to Colorado State Statute or other entities with jurisdiction including but not limited to Upper Big Sandy Ground Water Management District.

(Amended on November 6, 2014 by Ordinance No 577)

**135.4.7.2. Surface Water from Wastewater Effluent.** Sales of surface water from the wastewater treatment plant shall be at the rate shown below, irrespective of whether it is used within Town of Limon limits or outside the limits of the Town of Limon.

**RATE**  
\$5.29 per 1000 gallons

**135.4.7.3.** On an annual basis, these rates shall be adjusted by the amount of the previous year's Denver-Boulder-Greeley Consumer Price Index with no further action of the Board of Trustees. The annual adjustment will take place in the January billing beginning in 2015.

**135.4.8. Non-Payment.**

(Amended April 1, 1982 by Ordinance No. 285; Deleted July 1, 1999 by Ordinance No. 431 – See Utility Billing, Chapter 134)

**135.4.9. Lien.**

(Deleted July 1, 1999 by Ordinance No. 431 – See Utility Billing, Chapter 134)

**135.4.9. Certification of Delinquent Charges.** The Town Clerk, in addition to any other remedy provided in this Code or allowed by state statute, may cause any or all delinquent municipal charges or assessments, including water, waste water, trash, and any other delinquent municipal charge or service made or levied, to be certified to the Treasurer of Lincoln County to be collected and paid over by the Treasurer to the Town in the same manner as taxes are authorized to be collected by state statute.

(Added on May 5, 2011 by Ordinance No 546).

**135.4.10. Foreclosure of Lien.**

(Deleted July 1, 1999 by Ordinance No. 431 – See Utility Billing, Chapter 134)

**135.4.11. Water Service Outside the Corporate Limits of the Town of Limon.**

**135.4.11.1. Eligibility.** At no time shall the Town of Limon grant water service to a customer outside the corporate limits of the Town of Limon unless a majority of the Board of Trustees takes action at a duly called meeting of the Board of Trustees specifically allowing such water Service.

**135.4.11.2. Determination.** Prior to such action as described in **135.4.11.1** the Board of Trustees shall consider the following items in order to ensure that the public welfare shall be preserved.

**135.4.11.2.1.** Would service affect the ability to provide service to customers within the corporate limits of the Town of Limon?

**135.4.11.2.2.** What is the economic benefit to the Town of Limon?

**135.4.11.2.3.** What affect will this service have on future development and annexations by the Town of Limon?

**135.4.11.2.4.** What factors prevent annexation of the property to be served by the Water Service?

**135.4.11.3.** Finding. Prior to granting or denying water service outside the corporate limits of the Town of Limon the Board of Trustees shall include in their decision a finding which explains the factors explored in the determination.

**135.4.11.4.** All services which currently existed upon the effective date of this code shall remain the responsibility of the customer.

**135.4.11.4.1.** At the time any customer located outside the corporate limits requests re-tapping of a Town of Limon water main, the existing installation must be upgraded and will meet all requirements described in Section **135.4.11.5**.

**135.4.11.5.** All services granted according to this code shall meet the following requirements:

**135.4.11.5.1.** The owner / developer shall be responsible for the extension or creation of water transmission facilities and mains to and from the property to be served.

**135.4.11.5.2.** The water system shall be designed and installed by the developer/owner in accordance with the requirements of the Town.

**135.4.11.5.3.** Water mains shall be installed to serve each lot.

**135.4.11.5.4.** All pipe and other transportation materials, upon installation, shall be deemed to be the exclusive property of the Town. Further, prior to installation, the customer shall be responsible for acquiring appropriate easements for the installation of necessary equipment. Such easements for water lines shall be deeded and dedicated as exclusive easements in favor of the Town and no structure or other obstruction other than fences and landscaping shall be allowed within a water line easement.

**135.4.11.5.5** Water line easement acquired shall be recorded with the Lincoln County Clerk and Recorder.

**135.4.11.5.6** All installations shall meet all the requirements for service lines and water meters in section **135**.

**135.4.11.5.7.** The Town of Limon may require larger mains to be constructed in order to serve the needs of adjacent property owners. When this occurs, the Town may enter into an agreement with the customer to collect from adjacent landowners a pro-rata share of the construction costs and refund such costs to the customer at the time of each connection. Any Cost Recovery Agreement shall meet the requirements of Section **III.7.5**. of the Land Development Code of the Town Of Limon.

**135.4.11.6. Rates Outside the Corporate Limits of the Town of Limon.** All services connected to the Town of Limon water system shall pay two (2) times the rates shown in Section **135.4.5**. -- Rates Within the Corporate Limits of the Town of Limon.

**135.5. Cross Connection Regulations for the distribution system of the Town of Limon.**

**135.5.1. Purpose.** The purpose of this ordinance is to protect the general public health, welfare and safety of the residents, occupants and visitors to the Town of Limon by adopting and enforcing regulations designed to safeguard the water distribution system.

**135.5.2. Definitions.** Terms used in this regulation are those contained in Colorado Cross-Connection Control Manual, Colorado Department of Public Health and Environment, latest edition.

**135.5.3. Reference Manuals adopted for guidelines on Cross-connection Control.**

**135.5.3.1.** Colorado Cross-Control Manual, Colorado Department of Public Health and Environment, latest edition.

**135.5.3.2.** American Water Works Association, Recommended Practice for Backflow Prevention and Cross-Connection Control Manual M14.

**135.5.3.3.** The Environmental Protection Agency, Cross-Connection Control Manual.

**135.5.4. General Requirements.**

**135.5.4.1.** All building plans must be submitted to the Town of Limon and approved, prior to the issuance of water service. The building plans must show.

**135.5.4.1.1.** Water service type, size and location.

**135.5.4.1.2.** Meter size and location.

**135.45.4.1.3.** Backflow prevention assembly size, type and location.

**135.5.4.1.4.** Fire sprinkling system(s) service line, size and type of backflow prevention assembly if applicable.

**135.5.4.1.5.** Lawn irrigation system(s) Pressure Vacuum Breaker size, type and location.

**135.5.4.2.** Backflow prevention assemblies are to be installed in an accessible location to facilitate maintenance, testing and repair. Drawings must show various installations.

**135.5.4.3.** All backflow prevention assemblies shall be installed immediately downstream of the water meter and before all other points of use.

**135.5.4.4.** Before installing a backflow prevention assembly, pipelines should be thoroughly flushed to remove foreign material.

**135.5.4.5.** In no case will it be permissible to have connections or tees between the meter and service line backflow prevention assembly.

**135.5.4.6.** Backflow prevention valves are not to be used as the inlet or outlet valve of the water meter. Test cocks are not to be used as supply connections.

**135.5.4.7.** In order to insure that backflow prevention assemblies continue to operate satisfactorily, it will be necessary that they be tested at the time of installation and on an annual schedule thereafter. Such tests will be conducted in accordance with ASSE and/or ABPA performance standards and field test procedures as directed by the Colorado Department of Public Health and Environment. (Not applied to residential) dual check installations.

**135.5.4.8.** The Town of Limon will require inspections of all containment installations.

**135.5.4.9.** All costs for design, installation, maintenance, repair, and testing are to be borne by the customer.

**135.5.4.10. No grandfather clause exists.** All laws and regulations apply regardless of the age of the facility.

**135.5.4.11.** All fire-sprinkling lines shall have a minimum protection of an approved double check valve for containment of the system.

**135.5.4.11.1.** All glycol (ethylene or propylene), or antifreeze systems shall have an approved **Reduced Pressure Zone** assembly for containment.

**135.5.4.11.2.** Dry fire systems shall have an approved **Double Check Valve** installed upstream of the air pressure valve.

**135.5.4.11.3.** Single family residence with a fire sprinkler system and domestic water combined shall have a **Double Check Valve** when no chemicals are used.

**135.5.4.11.4.** All fire sprinkler systems shall conform to the following sections of the National Fire Protection Association Standard 13 and 25.

**135.5.5. Standards for Backflow Prevention Assemblies.**

**135.5.5.1.** Any backflow prevention assembly required herein shall be of a model and size approved by the Town of Limon. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformation with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross Connection Control Manual and by the Town of Limon. Final approval shall be evidence by a Certificate of Approval issued by an approved testing laboratory certifying full compliance with Colorado Department of Public Health and Environment standards and ASSE, ABPA or USC FCCC & HR specifications.

**135.5.5.2. Only approved backflow prevention assemblies shall be used.** The following testing laboratories are qualified to test and certify backflow prevention assemblies and being on their periodic approved list shall meet all of the above requirements.

**135.5.5.2.1.** American Society of Sanitary Engineering (ASSE), 901 Canterbury, Suite A, Westlake, OH 44145.

**135.5.5.2.2.** USC Foundation for Cross-Connection and Hydraulic Research, University of Southern California, KAP-200 University Park MC-2531, Los Angeles, CA 90089-2531.

**135.5.5.2.3. Exception:** Residential containment may be accomplished with an assembly not approved by the Foundation for Cross-Connection Control and Hydraulic Research, but approved by the American Society of Sanitary and Mechanical Engineers and designated by the Town of Limon.

**135.5.5.2.4.** Backflow preventers currently installed which are not approved shall be replaced with an approved assembly at the time they fail an operational test.

**135.5.5.2.5.** Backflow Assemblies used on fire lines shall have O.S. & Y. (outside stem & yoke) valves and be listed by the National Fire Protection Association.

**135.5.6. Installation**

**135.5.6.1.** Backflow Prevention Assemblies shall be installed in accordance with the Town of Limon and State of Colorado regulations.

**135.5.6.2.** Backflow Prevention assembly installations shall be inspected and approved for use by the Town of Limon.

**135.5.6.2.1.** Additionally, most new installations such as sprinklers and irrigation will require a State Plumbing permit and inspection.

**135.5.6.2.2.** All Backflow Assemblies shall be installed in the horizontal position. Vertical installation shall be acceptable when approved by ASSE, ABPA, or FCCC & HR specifications. Variance may be granted by review and Town of Limon approval.

**135.5.6.2.3.** A Pressure Vacuum Breaker shall be used where the assembly is never subjected to backpressure and installed a minimum of twelve (12) inches above the highest piping or outlet downstream of the assembly in a manner to preclude backpressure.

**135.5.6.3.** An Atmospheric Vacuum Breaker shall be used where the assembly is:

**135.5.6.3.1.** Installed as an isolation assembly.

**135.5.6.3.2.** Never subjected to continuous pressure (more than 12 consecutive hours).

**135.5.6.3.3.** Installed with the air inlet in a level position and a minimum of six (6) inches above the highest piping or outlet it is protecting.

**135.5.6.3.4. The Single Check Valve** is not considered a backflow prevention assembly.

**135.5.6.3.5. Double Check Valve Assemblies** may be installed in below ground vaults when these vaults are properly constructed in accordance with the Town of Limon standards. They must be insulated to prevent freezing.

**135.5.6.3.6. Reduced Pressure Backflow Preventers** will be installed above ground. The unit should be placed at least twelve (12) inches above the finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage should be provided for the relief valve and may be piped away from the location provided it is readily visible from above grade and provided the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Freezing is a major problem in this area.

**135.5.6.3.7. A Hose Bib Vacuum Breaker** will be installed on each residential hose bib where a well exists on the property and the hose bib does not have anti-siphon protection itself, and must be approved for use by the Town of Limon.

**135.5.6.3.8.** Connection to a fire hydrant requires either Air-gap protection or a Reduced Pressure Zone (RPZ) Valve to be used for bulk water tank filling.

**135.5.7. Testing and Maintenance**

**135.5.7.1.** At least once per year, it will be the duty of the customer/user at any premise(s) where any backflow prevention assembly(s) is installed to have a certified test made of their assemblies. In those specific instances where the Town of Limon deems the hazard to be great enough, certified inspections and test at more frequent intervals might be required. These tests shall be at the expense of the water user and shall be performed by a certified technician approved by the Colorado Department of Public Health and Environment and the Town of Limon. An inspection of the assembly may be performed at any time complying with 135.8 of this document.

**135.5.7.2.** As necessary, the assembly shall be repaired or replaced at the expense of the customer/user whenever the assembly(s) is found to be defective. Records of all such tests, repairs or replacements shall be kept by the customer/user and the Town of Limon.

**135.5.7.3.** Existing Assemblies shall be sealed by the technician performing the test at the completion of the test.

**135.5.7.4.** All testing equipment used in testing of backflow prevention assemblies shall be checked for accuracy yearly, or more often, and proof of compliance shall be submitted to the Town of Limon upon receipt of certification.

**135.5.7.5.** The Town of Limon retains the right to test or otherwise check the installation and operation of any containment assembly at any time to assure proper operation.

**135.5.8. Right of Entry.**

**135.5.8.1.** A representative of the Town of Limon will carry proper credentials of his/her office. By previously arranged appointment and upon presentation of proper credentials, the Town of Limon representative shall have the right to entry to inspect any and all buildings and premises for cross-connections relative to possible hazards. This right of entry shall be a condition of water service in order to protect the health, safety, and welfare of the people throughout the Town of Limon distribution system. Where building security is required, the backflow assembly(s) should be located in an area not subject to security if possible. Questions regarding proper credentials should be directed to the Town of Limon.

**135.5.9. Violations.**

**135.5.9.1.** Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies required by this resolution shall be grounds for the discontinuance of water service to the premises or the requirement for an air-gap separation from the public potable water system.

**135.5.9.2.** Service of water to any premises may be discontinued by the Town of Limon if unprotected Cross-Connections exist on the premises. When any defect is found in an installed prevention assembly, or if backflow prevention assembly has been removed or bypassed, the service may be discontinued. Service shall

not be restored until such condition or defects are corrected.

**135.5.9.3.** Discontinuance of service may be summary, immediate, and without written notice whenever, in the judgment of the Town of Limon, such action is necessary to protect the public potable water supply or the distribution system.

(Amended June 21, 1962 by Ordinance No. 180; Amended November 6, 1969 by Ordinance No. 210; Amended October 5, 1972 by Ordinance No. 220; Amended June 22, 1977 by Ordinance No. 243; Amended November 1, 1979 by Ordinance No. 263; Amended May 1, 1986 by Ordinance No. 316; Amended by December 5, 1996 by Ordinance No. 408; Amended by Ordinance No. 563 on July 9, 2013.)



**136 - Parks and Recreation Board**

HISTORY - 1958 Municipal Code; Deleted in its entirety by Ordinance No. 380 on October 6, 1994



**137 - Sewer Department**

HISTORY: 1958 Municipal Code and Amended July 7, 1958 by Ordinance No. 171, repealed and replaced by Ordinance No. 339; Amended March 6, 2003 by Ordinance 480; Amended on November 6, 2014 by Ordinance No. 577

**137.1. Definitions.**

**137.1.1.** Unless the context specifically indicates otherwise, the following terms as used in Section 137, shall have the meanings hereinafter designated:

**137.1.1.1. Act:** the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and subsequent amendments (e.g., Clean Water Act of 1977).

**137.1.1.2. Authorized Representative of Industrial User:**

**137.1.1.2.1.** A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

**137.1.1.2.2.** A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

**137.1.1.2.3.** A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates.

**137.1.1.3. BOD or Biochemical Oxygen Demand:** the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory methods of five (5) days at twenty degrees (20°) C., expressed in terms of weight and concentration (milligrams per liter).

**137.1.1.4. Building Official:** the Town Manager of the Town of Limon, Colorado or his designated representative.

**137.1.1.5 Collection Line:** that portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant, excluding service lines.

**137.1.1.6 Commercial:** pertaining to all wastewater service provided to other than residential, restaurant, or industrial users.

**137.1.1.7 Compliance Schedule:** a schedule containing increments of progress in the form of dates for the commencement and/or completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

**137.1.1.8 Composite Sample:** a series of grab samples of equal volume taken over a predetermined time period without regard to flow and which are combined into one sample.

**137.1.1.9 Conventional Pollutant:** BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the Town's CDPS permit for its wastewater treatment works where said works have been designed and used to reduce or remove pollutants.

**137.1.1.10. Cooling Water:** the water discharged from uses such as air conditioning or refrigeration or to which the only pollutant added is heat.

**137.1.1.11. Domestic Wastes or Sanitary Wastes:** liquid wastes:

**137.1.1.11.1.** From the noncommercial preparation, cooking and handling of food, or

**137.1.1.11.2.** Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

**137.1.1.12. Fast Food Restaurant:** an establishment where meals and refreshments are prepared on the premises for sale to the public and said meals are served in or on paper products and no garbage disposal is located upon the premises.

**137.1.1.13. Fixture Unit Equivalent:** the unit value prescribed for plumbing fixtures as set out in the Uniform Plumbing Code, latest edition, computed on the basis of the design capability of such fixture to permit the flow of water or wastewater.

**137.1.1.14. Garbage:** solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

**137.1.1.15. Grab Sample:** a singular sample of a user's effluent which is taken during the user's normal operating day without regard for variations in daily operational characteristics, flow or concentrations of pollutants.

**137.1.1.16. Incompatible Pollutant:** any pollutant which is not a "conventional pollutant" as defined in Section 137.1.1.9.

**137.1.1.17. Individual Wastewater Disposal System:** a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the wastewater treatment system of the Town.

**137.1.1.18. Industrial User:** a source of indirect discharge under regulations pursuant to the Act or for which local pretreatment standards have been published by the Environmental Protection Agency or for which local pretreatment standards have been established.

**137.1.1.19. Industrial Waste:** any liquid, solid or gaseous waste or form of energy or combination thereof resulting from any process or operational procedures of an industrial user.

**137.1.1.20. Interference:** inhibition or disruption of the publicly owned treatment work's (POTW's) sewer system, treatment processes operations or which contributes to a violation of any requirement of the Towns' CDPS permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 V.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Wastes Disposal Act (SWDA), the Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the POTW.

**137.1.1.21. Master Plumber:** a master plumber as defined in and licensed pursuant to Article 58 of Title 12 of the Colorado Revised Statutes as the same may be now or hereafter amended.

**137.1.1.22. NPDES or National Pollutant Discharge Elimination System:** the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the Act. This shall be analogous with the term CDPS, Colorado Discharge Permit System, wherein the State of Colorado is delegated the authorities and responsibilities outlined above.

**137.1.1.23. New Source:** any industrial user, the construction of which is commenced after the effective date of regulations prescribed in Section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such industrial user.

**137.1.1.24. Normal Domestic Strength Wastewater:** wastewater that when analyzed by standard methods contains no more than 280 milligrams per liter of suspended solids (TSS) and 280 milligrams per liter of BOD.

**137.1.1.25. Operating Day:** that portion of a twenty-four (24) hour day during which industrial wastes are discharged or generated.

**137.1.1.26. pH:** the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

**137.1.1.27. Plant Investment Fee:** that charge assessed against new users of the wastewater treatment system to finance capital improvement of the wastewater treatment system.

**137.1.1.28. Pretreatment:** application of physical, chemical and/or biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties in wastewater prior to discharging such wastewater into the wastewater treatment system.

**137.1.1.29. Pretreatment Standards:** all applicable Federal rules and regulations implementing Section 307 of the Act, as well as any nonconflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

**137.1.1.30. Receiving Water:** lakes, rivers, streams, or other watercourse which receive treated or untreated wastewater.

**137.1.1.31. Residential:** pertaining to wastewater service provided premises used as dwelling places or residences, including, but not limited to, single-family dwellings, common wall multi-family dwellings, mobile homes, and manufactured homes.

**137.1.1.32. Restaurant:** an establishment where meals and refreshments are prepared on the premises for sale to the public.

**137.1.1.33. Service Line:** the wastewater collector line extending from the wastewater disposal facilities of the premises up to and including the connection to the collection line.

**137.1.1.34. Significant Industrial User:** any industrial user of the Town's wastewater treatment system whose discharge rate:

**137.1.1.34.1.** Exceeds twenty-five thousand (25,000) gallons per average operating day, or

**137.1.1.34.2.** Is determined by the to have significant impact, either singly or in concert with other contributing industries, in the treatment works such that the quality of the effluent from the treatment works deviates from the requirements set forth in the Colorado Discharge Permit System (CDPS) permit issued to the Town, or such that interference with the treatment process or facilities would result.

**137.1.1.35. Significant Violation:** a violation of this code which remains uncorrected forty-five (45) days after notification of noncompliance; or which is a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or, which resulted in the POTW

exercising its emergency authority under Section 403.8(F) (1)(IV)(B) of the Act.

**137.1.1.36. Sludge Discharge:** any discharge of water, sewage or industrial waste which:

**137.1.1.36.1.** Contains any substances regulated by Article VIII in concentrations which exceed for any period longer than ten (10) minutes more than five (5) times the average daily concentration of that substance during normal operations and exceeds the limitations contained in Article VIII; or,

**137.1.1.36.2.** Causes a twofold or more increase in discharge rate for a period longer than twenty (20) minutes; or

**137.1.1.36.3.** Causes the user's effluent to violate the pH limitations provided in Article VIII for a period longer than twenty (20) minutes.

**137.1.1.37. Storm Water:** any flow occurring during or immediately following any form of natural precipitation and resulting there from.

**137.1.1.38. Superintendent:** the Operator in Responsible Charge (ORC) or his designated representative.

(Amended June 6, 1996 by Ordinance No. 398, Amended on November 6, 2014 by Ordinance No 577)

**137.1.1.39. Suspended Solids:** the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering by standard methods.

**137.1.1.40. Town:** the Town of Limon, the operating organization responsible for the operation and maintenance of the wastewater treatment system.

**137.1.1.41. Unpolluted Water:** is water not containing any substances limited or prohibited by the effluent standards in effect or water whose discharge will not cause any violation of receiving water quality standards.

**137.1.1.42. User:** any person who discharges, or causes or permits the discharge of wastewater into the Town's wastewater treatment system.

**137.1.1.43. User Classification:** a classification of users such as residential, commercial, restaurant, industrial, or significant industrial user.

**137.1.1.44. Wastewater:** the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is discharged into or permitted to enter the Town's wastewater treatment system.

**137.1.1.45. Wastewater Treatment System or Wastewater System:**

**137.1.1.45.1.** Any devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, collection lines, pumping, power and other equipment, and their appurtenances and excluding service lines;

**137.1.1.45.2.** Extensions, improvements, additions, alterations, or any remodeling thereof;

**137.1.1.45.3.** Elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and

**137.1.1.45.4.** Any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

**137.1.2.** Terms not otherwise defined herein shall have the meanings adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**137.2. County Health Department, Health Officer** Any reference in this code to the "Department of Health" or "the Health Department" shall mean the Department of Health of Lincoln County. Any reference in this code to the "Health Officer" shall mean the Health Officer of the Department of Health of Lincoln County, or his/her designated representative.

**137.3. Town Responsibilities.**

**137.3.1. Responsibility of the Town.** The Town shall be responsible for the wastewater systems and wastewater treatment plant serving the town and such other areas as authorized by the Board of Trustees.

**137.3.2. Responsibility of Superintendent.** The Superintendent shall be responsible for the management of the wastewater system of the Town and all of the property appertaining thereto. He/She shall see that such system is kept properly cleaned and in good working order and repair and shall also insure proper compliance with all local, State and Federal regulations for collection, treatment, and discharge of wastewater and shall perform all other duties in connection with such system as may be required by the Board of Trustees and the Town Manager.

**137.3.3. Rules and Regulations; Adoption of.** The Superintendent may adopt rules and regulations consistent with the provisions of this code for the administration of the wastewater system. Rules and regulations adopted by the Superintendent and approved by the Town Manager pursuant to this code shall pertain to, but shall not be limited to, discharge limitations, pretreatment requirements, standards, standards for installation of wastewater lines and services and implementation of standards promulgated pursuant to the Act. In establishing such rules and regulations, the Superintendent shall seek to establish standards that will assure safe, efficient operation of the wastewater system, that will limit wastewater discharges to the system in concentrations and quantities which will not harm either the wastewater system, wastewater treatment process or equipment, that will not have an adverse effect on the receiving water, or will not otherwise endanger persons or property or constitute a nuisance. Such rules and regulations shall become effective immediately as necessary but must be ratified by the Board of Trustees of the Town within 60 days thereafter in order to become permanently in effect.

**137.4. Wastewater Service.**

**137.4.1. Application for Service.** Any person desiring to connect a service line to the wastewater treatment system of the Town, or to add fixtures to an existing connection, shall make application to the Town Manager for wastewater service. The application for service shall be supplemented by any plans, specifications, or other information deemed necessary by the Superintendent to determine compliance with all codes and ordinances, regulations or rules concerning the wastewater system. The Superintendent shall endorse his approval or disapproval of the application as complying or failing to comply with all codes, ordinances, regulations or rules concerning the wastewater system of the Town. Upon approval by the Superintendent and Town Manager of such application, such user receiving wastewater service shall pay therefore in accordance with the applicable rates, rules and regulations.

**137.4.2. Service Outside the Town; Policy.** The policy of the Town relating to the furnishing of wastewater treatment service to users located outside the boundaries to the Town requires agreement to annex to the Town prior to discharge of water to the Town's wastewater system. The Town expressly reserves the right, as may be limited by State or Federal law, to impose such conditions as it may see fit relative to furnishing such service, and may refuse such service in its discretion. Any deviation to this policy requires approval by the Board of Trustees of the Town.

**137.4.3. Application for Service Outside the Town.** Any person desiring to connect a service line and/or add fixtures to an existing connection which is located outside the Town limits shall comply fully with this code. Such person shall then make application to the Town for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Superintendent and the Town Manager to determine compliance with all regulations or rules concerning the wastewater system. The Superintendent shall endorse his/her approval or disapproval of the application as complying or failing to comply with all regulations or rules concerning the wastewater system of the Town.

**137.4.4. Service: Special Contract.**

**137.4.4.1.** The Town may provide by contract for the use of and connection to the Town's wastewater treatment system by institution, plants, organized sewer districts, municipal corporations or other similar users which are located outside the boundaries of the Town. Such use of or connection to the Town's wastewater treatment system shall be subject to such terms and conditions as the Town Board of Trustees may see fit to impose.

**137.4.4.2.** Contracts entered into pursuant to this Section shall provide for compliance by the user with the discharge prohibitions and limitations contained in this code. Such contracts shall require the user to:

**137.4.4.2.1.** Submit to the jurisdiction of the Town for the purposes of the enforcement procedures and penalties set out in this code; and

**137.4.4.2.2.** Stipulate liquidated damages for violation of the provisions of this code in an amount equal to the penalties imposed herein.

**137.4.4.3.** Contracts entered into pursuant to this Section may provide for acceptance by the Town of only normal domestic strength wastewater, and the requirements of section **137.4.4.2.2.** shall not apply to

such contracts. However, such contracts shall provide that any discharge of industrial wastewater by the user shall subject such user to consequential damages for breach of contract including, but not limited to, any amounts the Town may be required to pay for violation of the conditions of its CDPS permit where the discharge of the user caused or contributed to such violation. Discharges of industrial wastewater by a user bound by such contract shall not be accepted by the Town except pursuant to notice to the Town and execution of an amended or additional contract to which the requirements of section 137.4.4.2.2. shall apply.

**137.4.4.4.** Contracts for use of or connection to the wastewater treatment system of the Town in force and effect on the effective date of this code shall remain in full force and effect in accordance with the terms and conditions thereof.

**137.4.5. Excavations for Service.** All excavations for installation or repair of wastewater lines shall be adequately guarded with barricades and lights and meet all applicable safety standards so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town and any other local governing authority.

**137.5. Connection and Installation of System.**

**137.5.1. Connection Required.** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a collection line of the Town, is hereby required at such owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper collection line in accordance with the provisions of this code within ninety(90) days after official notice to do so, provided that said collection line is within four hundred feet (400') of the property line. Under unusual circumstances such as unique topographical characteristics, the Board of Trustees, with Health Department approval, may waive the connection requirement herein stipulated.

**137.5.2. Connection or Disconnection Permit.** The Town shall issue a permit for each connection or disconnection made to or from the wastewater treatment system of the Town. Such permit will be required for all new connections, existing connections where additional fixtures are to be installed, and for disconnections. Permits for connections or disconnection shall be issued only to master plumbers. Discharge permits for

significant industrial users shall be required as provided in sections 137.11. and 137.12. in addition to the connection permit.

**137.5.3. Unauthorized Connections Prohibited.** It shall be unlawful for any unauthorized person to uncover, make any connections with or openings into, use, alter or disturb any collection line or appurtenance thereof, without first obtaining written permission from the Superintendent. Such connections shall be made in compliance with Building and Plumbing Codes, Town technical specifications and other applicable rules and regulations of the Town.

**137.5.4. Connection to System; Inspection by Town.** The applicant for the wastewater service permit shall notify the Superintendent when the service line is ready for inspection and connection to the collection line. The connection and testing required by the Town shall be made under the supervision of the Superintendent. The Town shall not be subjected to any liability for any deficiency or defect which in not discovered by inspection nor shall the owner or developer of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

**137.5.5. Collection Lines: Manner of Extension.** Collection lines to collect and intercept wastewater from and throughout areas or additions shall be extended by the owner and/or developer of premises to be served by such lines from the existing collection line to the farthest point or points upgrade of such premises. If the Superintendent determines that extension of collection lines to the farthest point or points upgrade is not necessary for efficient expansion of the wastewater treatment system, the Town Manager may waive the requirement of such extension. In any event, collection lines shall be extended by the owner and/or developer of premises to be served by such lines from the existing collection line to a point which permits the shortest possible service line between the collection line and the property line of the premises served thereby. Thereafter said collection lines shall be extended to adjoining premises in compliance with the latest edition of the Town's regulations and specifications as promulgated, supplemented and amended by the Superintendent and approved by the Town Manager, as provided in section 137.3. Extensions shall not be made for remote or isolated services unless the applicant requesting such service shall provide for the cost of such extension to the point of service and such extension is approved by the Town Manager.

**137.5.6. Wastewater Lines: Compliance with Subdivision Requirements.** No wastewater lines shall be laid or placed in any proposed addition or subdivision in the Town until said proposed addition is platted and approved by the Town Board of Trustees.

**137.5.7. Service Lines: Separate for Each Building; Exceptions.** A separate and independent service line shall be provided for every building. However, where one building stands at the rear of another on an interior lot which cannot be subdivided, and no service line is available nor can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the service line of the front building may be extended to the rear building and the whole considered as one service. Multi-family or commercial or industrial complexes having more than one building on a single platted lot may have the individual buildings connected to a single common service line, unless and until such lot is re-subdivided or the buildings otherwise become separately owned in which case independent connections shall be made. Waiver of this requirement for a separate and independent service line, may be granted by the Town Manager upon re-subdivision or creation of separate ownership of individual buildings on a single lot with existing multi-family or commercial, but not industrial complexes. Such a waiver shall be granted upon showing that the service lines owned in common will be maintained by an entity of the owners of the separate buildings. By regulation, the Town Manager may provide for additional requirements to assure proper maintenance and repair of the common service lines, and, if necessary, monitoring of effluent quality or quantity. The Town does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the wastewater system as aforementioned.

**137.5.8. Service Line: Construction to Conform to Rules and Regulations.** The size, slope, alignment and materials of constructing of a service line, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes and the Town's specifications and other applicable rules and regulations of the Town.

**137.5.9. Service Line: Use of Gravity Flow.** Whenever possible, the service line shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the collection line, wastewater carried by such building drain shall be lifted by means

approved by the Superintendent and discharged to the wastewater system.

**137.5.10. Service Line: Maintenance of.**

**137.5.10.1.** The owner of any premises connected to the Town's wastewater treatment system shall be responsible for the maintenance of the service line and appurtenances thereto, from and including the connection to the collection line to the premises served. The owner shall keep such line in good condition and shall replace, at his expense, any portions thereof which, in the opinion of the Superintendent, have become so damaged or disintegrated as to be unfit for further use. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of-way and the street to acceptable Town/County standards.

**137.5.10.2.** In the event that more than one premises are connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair requirements imposed by this Section.

**137.5.10.3.** Prior to repair or alteration of the service line, a permit must be obtained from the Town. This inspection shall assure that codes, ordinances and rules applying to the wastewater system are met. The Town shall not be subjected to any liability for any deficiency or defect in the repair or alteration of such premises which is not discovered by inspection, nor shall the owner of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

**137.5.11. Existing Lines Conditions for Use.** Old wastewater lines may be used in connection with new buildings only when they are found, on examination by the Superintendent, to meet all requirements of this code and to be compatible with the proposed use. If found unacceptable for future use, the owner shall be required to excavate the line at the point of connection to the collection line and cap the connection as required by the Town's Standards for Installation of Sewer Mains and Services.

**137.5.12. Construction: Requirements for Commencement and Completion.** Construction of a building or facility to be served by a wastewater connection shall be commenced within one year from the date of payment of connection charges or issuance of a permit, and such construction shall be pursued to completion without suspension or abandonment, as set out in the Uniform Building Code under Building Permits,

Section 302 (d). Failure to comply with the above regulations will result in cancellation of the permit and forfeiture of any plant investment fees paid.

**137.5.13. Fixture Unit Equivalents.**

**137.5.13.1.** Fixture unit equivalents shall be calculated using the following schedule and shall apply to "stubbed in" or "roughed in" fixture units as well as those fixtures being installed.

Kind of Fixture	Trap and Trap Arm Unit Size	Equivalents
Bathtubs	1-1/2"	2
Bidets	1-1/2"	2
Dental Unit or Cuspidors	1-1/4"	1
Drinking Fountains	1-1/4"	1
Floor Drains	2"	2
Interceptors for Grease, Oil, Solids, etc	2"	3
Interceptors for Sand, Auto, Wash, etc	3"	6
Laundry Tubs	1-1/2"	2
Clothes Washers	1-1/2"	2
Receptors, (Floor Sinks), Indirect Waste Receptors for Refrigerators, Coffee Urns, Water Stations, etc	1-1/2"	1
Receptors, Indirect Waste Receptors for Commercial Sinks, Dishwashers, Air Washers, etc	2"	3
Showers, Single Stall	2"	2
Showers, Gang (per shower head)	2"	1
Sinks, Bar, Private	1-1/2"	1
Sinks, Bar, Commercial	1-1/2"	2
Sinks, Commercial or Industrial, Schools, etc Including Dishwashers, Wash-Up Sinks and Wash Fountains	1-1/2"	3
Sinks, Flushing Rim, Clinic	3"	6
Sinks, Double (Residential Kitchen)	1-1/2"	2
Dishwashers (Residential)	1-1/2"	2
Sinks, Service	2"	3
Urinals, Pedestal	3"	6
Urinals, Stall	2"	2
Urinals, Trough	1-1/2"	3
Wash Basins, (Lavatories) Single	1-1/4"	1

Wash Basins, In Sets	1-1/2"	2
Water Closet, Tank Type	3"	4
Water Closet, Flush Valve Type	3"	6

**137.5.13.2.** The unit equivalents of plumbing fixtures not listed above shall be based on the following schedule in the next column:

Trap or Trap Arm Size	Unit Equivalent
1-1/4"	1
1-1/2"	3
2"	4
3"	6
4"	8
5"	10
6"	12

**137.5.14. Disconnection.** In the event that a user desires to disconnect his premises from the wastewater system of the Town, he shall not be permitted to take up that portion of the service line between the collection line and the property line of the premises, but at his expense the service line shall be capped at said property line and the service line shall be removed from the property line to the structure. New service lines to replace existing service lines shall not be approved by the Town until old service lines are dug up and properly capped. Such cap shall be sufficiently tight to prevent the escape of wastewater gas or the infiltration of water.

**137.6. Costs and Charges.**

**137.6.1. Wastewater Facilities: Allocation of Cost.**

**137.6.1.1.** Except as otherwise provided herein, a property owner or developer shall be responsible for the cost and construction of all wastewater facilities and the appurtenances thereto in and through his property or development upon approval of the plans and specifications by the Town. The Town shall inspect and approve the actual construction, prior to connection of the structures.

**137.6.1.2.** Regulation of this allocation and cost recovery shall be pursuant to the Town of Limon Land Development Code 307.4 – Cost Recovery Agreements.

**137.6.2. Installation Cost.** All costs and expenses incidental to the installation and connection of service lines from the collection line to the premises shall be borne by the owner of such premises. The owner shall indemnify the Town for any loss or damage to the Town

that may directly or indirectly be occasioned by the installation of such service line.

**137.6.3. Connection Charge.** In each lot, area, territory, subdivision or addition, inside or outside the Town limits, for which a request for wastewater connection or addition to the wastewater treatment system of the Town shall be made, there is and shall be a connection charge for each service line in said areas. Said connection charges shall consists of a permit charge and a plant investment fee and may also include recovery agreement charges.

**137.6.4. Permit Charge.** A permit charge shall be assessed for each connection to the wastewater treatment system of the Town to defray the costs of administration and inspection. Such charge shall be assessed and collected prior to issuance of a permit to connect, in amounts as follows:

**137.6.4.1.** For each one-family dwelling or mobile home, the amount of the permit charge shall be twenty dollars (\$20.00).

**137.6.4.2.** For each commercial or industrial premises and for each two-family dwelling or multiple dwelling, the amount of the permit charge shall be twenty dollars (\$20.00) for the first fifteen (15) fixture unit equivalents, as in Section **137.5.13.**, and twenty dollars (\$20.00) for each additional fifteen (15) fixture unit equivalents or portions thereof.

**137.6.5. Plant Investment Fee.**

**137.6.5.1.** A plant investment fee shall be assessed for each new connection to the wastewater system of the Town to partially defray the costs of capital improvement of such system. Such charge shall be collected prior to issuance of a building permit in amounts as follows:

**137.6.5.1.1.** For each residential wastewater service:

- Inside corporate limits \$1,000.00
- Outside corporate limits \$2,000.00

**137.6.5.1.2.** For each dwelling unit of all common wall multi-family residential construction, which may be described as an apartment, condominium, townhouse, stacked housing or other name form for multi-family housing, permanent or transient, and for each dwelling unit in a mobile home park, which shall be collected prior to issuance of a building permit.

- Inside corporate limits \$1,000.00
- Outside corporate limits \$2,000.00

**137.6.5.1.3.** Each commercial, restaurant, or industrial wastewater service shall be charged at the effective rate for single-family wastewater service, as defined above, for each fifteen (15) fixture unit equivalents, as in Section **137.5.13.**

**137.6.5.1.4.** Each service connection in a mobile home subdivision shall be charged at the effective rate for single-family wastewater service, as defined above.

**137.6.5.2.** The charges provided herein shall only be increased by the same percentage as the charge for each single-family wastewater service is increased and shall be effective upon such increase.

**137.6.5.3.** Payment of the wastewater system development charges provided herein shall be payable in full in good funds at the time the building permit is issued or as directed by the Town Manager. Such charges shall not be waived for any governmental, quasi-governmental, nonprofit organization, or any other user requesting connection to the wastewater supply system of the Town without Board of Trustee approval.

**137.6.5.4.** Requests for a refund of charges paid under this Section shall be made in writing to the Town Manager within nine months of payment.

**137.6.6. Recovery Agreement Charge.** A recovery agreement charge may be assessed for each connection to a collection line or use of a pumping facility, where such line or facility is the subject of a recovery agreement between the Town and the person who constructed such line or facility. Consistent with such agreements, such charge shall be in an amount which represents a pro rata share of the cost of construction of the line or facility and shall be collected prior to issuance of a building permit. Recovery agreements existing on the effective date of this Article shall remain in full force and effect.

**137.6.7. Basis For Rates and Charge.**

**137.6.7.1.** Basis for Wastewater Service Charges:

**137.6.7.1.1. Residential.** The amount of water billed for the January billing period of each year shall be the basis for determination of the monthly wastewater charge. In the case of new users, users not using Town water or changing service conditions, the

Town Manager may designate an alternative base consumption period. The consumption established during any base period shall be used for the determination of monthly wastewater user charges until a new base consumption period occurs as provided herein.

**137.6.7.1.2. All Other.** All nonresidential customers shall be billed based on actual water consumption for each billing period. The actual water consumption may be adjusted as determined by the Town Manager as follows:

**137.6.7.1.2.1. Irrigation**

**Allowance.** Nonresidential users with one thousand (1,000) square feet or more of irrigated property shall be given an irrigation allowance based on the number of one hundred (100) square feet increments of irrigated property. The user must make application to the Town Manager for the credit. Application shall include an accurate accounting of irrigated property. The Town Manager shall confirm the property is under irrigation. The irrigation credit per one hundred (100) square feet if computed at the rate of 500 gallons of water per month for a six (6) month irrigation season extending from May through October, inclusive. The computed irrigation allowance shall be deducted from the monthly water volume for calculating the wastewater charge.

**137.6.7.1.2.2.** The suspension of water service and charges therefor for any premises shall relieve such premises from the payment of the monthly wastewater service charges hereby imposed during the period that no charges are made for water unless an alternate water source is being used.

**137.6.8. Computation of Rates and Charges.**

(Amended by Ordinance No. 434 on December 16, 1999; Amended December 4, 2008, by Ordinance No. 527; Amended November 5, 2009, by Ordinance No. 535; Amended December 3, 2015, by Ordinance No. 586; Amended December 7, 2017 by Ordinance No. 611)

**137.6.8.1.** The rates and charges computed on the basis of water used as set forth in Section **137.6.7.** shall be as follows:

**137.6.8.1.1.** Base Customer Charge - \$9.13/month.

**137.6.8.1.2.** Normal treatment charge (excluding restaurants): minimum 6,000 gallons at rate of \$0.8085 per 1,000 gallons or \$4.85 per month. All water consumed in excess of the 6,000-gallon-per-month minimum as established in Section 137.6.8.2 shall be subject to a \$0.8085 per 1,000 gallon surcharge for normal treatment.

**137.6.8.1.3.** Customers located outside the Town limits shall be charged two times the rates shown in this section for normal treatment.

**137.6.8.2.** Residential customers not connected to the Town's water distribution system shall be billed for a quantity of 6,000 gallons per month on a monthly basis and at the rates in section **137.6.8.1.**

**137.6.8.3.** Commercial users not connected to the Town's water distribution system shall be billed based on the method prescribed by the Town Manager as representative of the user's wastewater contribution volume and at the rates in subsection **137.6.8.1.**

**137.6.8.4.** Significant Industrial User Surcharge: In addition to the rates and charges imposed by sections **137.6.8.1.**, **137.6.8.2.**, and **137.6.8.3.**, significant industrial users will be assessed a surcharge for extra strength wastewater discharges. Significant industrial users located within and without the Town, which discharge Biochemical Oxygen Demand (BOD) which exceeds the normal domestic strength BOD (280 mg/l) will be assessed a surcharge as determined by the Town Manager.

**137.6.8.4.1.** The total BOD surcharge is computed by the following formula:

- $S = a \times b \times c$
- S = BOD, surcharge amount
- a = Normal domestic BOD rate per 1,000 gallons
- b = % by which the classification average discharge BOD exceeds the normal domestic discharge BOD (280 mg/l)
- c = Water volume used to calculate the wastewater user charge.

**137.6.8.4.2.** The Biochemical Oxygen Demand (BOD) quantity charge is \$0.5834 per 1,000 gallons for normal domestic sewage.

**137.6.8.5.** Restaurant Surcharge: In addition to the base customer charge imposed by subsection A. restaurants shall also be assessed a normal treatment charge as follows: minimum 6,000 gallons at rate of \$1.2400 per 1,000 gallons or \$7.4403 per month. All water consumed in excess of the 6,000-gallon-per-month minimum as established in **Section 137.6.8** shall be subject to a \$1.2400 per 1,000 gallon surcharge for normal treatment.

**137.6.8.6.** Fast Food Restaurant Surcharge: In addition to the base customer charge imposed by

subsection 6.8.1, fast food restaurants shall be assessed a normal treatment charge as follows: minimum 6,000 gallons at the rate of \$0.9974 per 1,000 gallons or \$5.9842 per month. All water consumed in excess of the 6,000-gallon-per-month minimum as established in **Section 137.6.8** shall be subject to a \$0.9974 per 1,000 gallon surcharge for normal treatment.

**137.6.8.7.** On an annual basis, these rates shall be adjusted by the amount of the previous year's Denver-Boulder-Greeley Consumer Price Index with no further action of the Board of Trustees. The annual adjustment will take place in the January billing beginning in 2020.

**137.6.9. Special Rates and Charges.**

**137.6.9.1. Discounts.** None, other than as provided within this Code.

**137.6.9.2. Contract Rates.** In the case of organized sewer district, municipal corporations or other similar users of the wastewater treatment system which are furnished wastewater treatment service pursuant to contract, the rates and charges for the use of the wastewater treatment system shall be as specified in said contracts so long as said contracts or renewals thereof remain in force and effect.

**137.6.9.3. Tertiary Water Charges.** The Town may dispense non-potable tertiary water as such waters are available. Such waters shall be dispensed only at pressures, in quantities, and at times as determined by the Superintendent. The charges for such waters shall be as established by resolution of the Board of Trustees.

**137.6.10. Collection Procedures.**

(Deleted July 1, 1999 by Ordinance No. 431 – See Utility Billing, Chapter 134)

**137.7. Individual Wastewater Disposal Systems.**

**137.7.1. Conditions for Use.**

**137.7.1.1.** Where a collection line is not available to premises under the provisions established in this code, the wastewater disposal system facilities of such premises shall be connected to an individual wastewater disposal system complying with the provisions of this code and the Lincoln County - State Health Individual Sewage Disposal System Regulations as established by the Colorado Department of Public Health and Environment.

**137.7.1.2.** The type, capacity, location and layout of an individual wastewater disposal system shall

comply with all standards of the Colorado Department of Health. No permits shall be issued for any individual wastewater disposal system employing subsurface soil absorption facilities where the area of the lot does not meet the regulations imposed by the Health Department. No septic tank or existing cesspool shall be permitted to discharge into any natural waterway or surface drainage.

**137.7.1.3.** Before commencement of construction of an individual wastewater disposal system on public or private property within the Town or in any area under the jurisdiction of the Town, the owner shall first obtain written approval signed by the Town Manager and by a representative of the Health Department.

**137.7.2. Privy Vaults Prohibited.** It shall be unlawful for any person to construct or maintain a privy vault or receptacle for wastewater disposal or similar device within the limits of the Town and in all instances where such devices are now in use the owner or occupant of such premises shall discontinue the use thereof and install a proper service line or individual wastewater disposal system in accordance with the provisions of this code.

**137.7.3. Removal of Contents.** The contents of privy vaults, septic tanks or cesspools within the limits of the Town shall not be removed therefrom, nor shall the same be transported through any street, alley or public place within the Town, except in a sanitary manner, through or by means of airtight tanks, if soft and mixed with matter, and if solid or dry, in tight covered tanks in such manner as shall prevent the escape of any noxious gases or offensive odors, and preserve such contents from sight or exposure during transportation. All tools, appliances and vehicles used in such cleaning and removal shall be kept and maintained in sanitary condition and shall be subject to inspection and licensing by the Department of Health.

**137.7.4. Designation of Dumping Grounds.** The Board of Trustees shall, with the concurrence and approval of the Department of Health, within the boundaries of the Town, designate the dumping grounds within and upon which any wastewater residue, solid or soft matter or other matter of any kind removed from a cesspool or individual wastewater disposal system may be dumped or otherwise disposed.

**137.7.5. Cessation of Use: When Required.** When a collection line becomes available to a property served by an individual wastewater disposal system, and upon receipt of official notice from the Town Manager to connect to the wastewater system of the Town, a direct connection shall be made by master plumber to the

collection line in compliance with this code and the official notice, applicable fees shall be paid and any septic tanks, cesspools, and similar individual wastewater disposal systems shall be cleaned and filled with suitable material with approval of the Department of Public Health and Environment.

**137.8. Prohibitions and Limitations on Wastewater Discharge.**

**137.8.1. Wastewater Discharge: Treatment Required.** It shall be unlawful for any person to discharge into any natural waterway or any surface drainage within the Town, or in any area under the jurisdiction of the Town, any wastewater unless suitable treatment of such wastewater has been provided in accordance with the provisions of this Article.

**137.8.2. Wastewater Discharge: Prohibitions.** It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system of the Town any wastewater which contains the following without a discharge permit approved by the Superintendent and the Town Manager.

**137.8.2.1. Storm Water Drainage** from ground, surface, roof drains, catch basins, unroofed area drains or any other source. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the Town’s wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities.

**137.8.2.2. Inert Suspended Solids** or other inert particulate matter such as, but not limited to, fuller’s earth, lime slurries and paint residues, resulting in wastewater with a settleable solids concentration greater than twenty-five (25) milliliters per liter.

**137.8.2.3. Unusual Concentration of Dissolved Solids**, such as but not limited to, chloride greater than ten thousand (10,000) mg/l and sulfate greater than one thousand (1,000) mg/l. The Superintendent may reject other unusually high concentrations upon determination that they are incompatible pollutants.

**137.8.2.4. Oil and Grease** of the following concentrations, sources or nature:

**137.8.2.4.1.** Wastewater containing total grease and oil in excess of one hundred (100) mg/l concentration as measured by EPA method 413-2 or other method set forth in 40CFR part 136.

**137.8.2.4.2.** Wastewater containing more than twenty-five (25) mg/l petroleum, as measured as hydrocarbons by EPA method 602 or other method set forth in 40CFR 136.

**137.8.2.5. Explosive Mixtures.** consisting of liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater treatment system or to the operation of the system. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the wastewater system be more than five percent (5%), nor may any single reading be over ten percent (10%) of the lower explosive limit (L.E.L.) of the meter.

**137.8.2.5.1.** Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides. Specifically prohibited are pollutants which create a fire or explosion hazard in the Town’s wastewater treatment works, including but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or 60 degrees Centigrade (60°C) using the test methods specified in 40 CFR 261.21.

**137.8.2.6. Noxious Material** consisting of noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into any portion of the wastewater system for its maintenance and repair.

**137.8.2.7. Improperly Shredded Garbage** that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the wastewater system to which the user is connected. At all times no particle shall be greater than one-half inch (1/2") in any dimension.

**137.8.2.8. Radioactive Wastes or Isotopes** of a half-life or concentration that they do not meet regulations set forth by the Colorado Department of Public Health and Environment, State of Colorado, in the latest edition of Rules and Regulations Pertaining to Radiological Control.

**137.8.2.9. Solid or Viscous Wastes**, which will or may cause obstruction to the flow in a collection line or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing fuel or lubrication oil and similar substances.

**137.8.2.10. Toxic Substances** in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and chemical elements of compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system or which will be transmitted through the system to receiving water.

**137.8.2.11. Substances Which are not Amenable to Treatment** or prescribed reduction by the treatment process employed by the Town, or are amenable to such a limited degree of reduction that a discharge of such wastewater would result in effluent discharge from the treatment works that does not meet requirements of State, Federal and other agencies having jurisdiction over discharge or application to receiving waters and/or lands.

**137.8.2.12. Wastes with Color** not removable by the treatment process.

**137.8.2.13. Corrosive Wastes**, which will cause corrosion, deterioration or interference with the wastewater treatment system. All wastewater discharged into the wastewater system must have an instantaneous pH value in the range of five and one-half (5.5) to ten (10) standard units inclusive and must have a temperature not exceeding one hundred fifty degrees (150°) Fahrenheit, unless a more strict limitation is provided within a non-domestic pre-treatment permit described in Section 155 of this Code.

**137.8.2.14. Spent Process Chemicals**, solutions or materials, hazardous waste as defined by the Federal Resource Conservation and Recovery Act; and other materials normally used in industrial/commercial operations unless specifically authorized in writing by the Manager and

after suitable treatment as approved by the Manager has been affected.

**137.8.2.15.** Wastes from hospitals, clinics, offices of medical doctors and dentists, and convalescent homes consisting of but not limited to laboratory pathological wastes, surgical operating room wastes or delivery room wastes.

**137.8.2.16.** Biocides as determined by the Superintendent in concentrations exceeding 0.02 mg/l unless approved in writing by the Superintendent.

**137.8.2.17. Any Trucked or Hauled Pollutants**, except at discharge points designated by the Town and for substances approved by the Town.

**137.8.2.18. Petroleum Oil, Nonbiodegradable Cutting Oil or Products of Mineral Oil Origin** in amounts that will cause interference or pass through.

**137.8.3. Wastewater Discharge Limitations:**

**137.8.3.1.** It shall be unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited, any waste or wastewater which fails to comply with the limitations imposed by this Section.

**137.8.3.2.** Consistent with the provisions of the Act, no discharger into the wastewater treatment system shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with these standards.

**137.8.3.3.** As used in this Section, the following terms shall have the meanings designated herein:

**137.8.3.3.1. Total Metal:** the sum of the concentrations of copper (Cu), nickel (Ni), silver (Ag) total chromium (Cr) and zinc (Zn).

**137.8.3.3.2. Discharge Rate:** that volume of effluent from the user which has been determined by the Superintendent to be representative of process effluent from that user.

**137.8.3.4.**

(Deleted on November 6, 2014 by Ordinance No. 577)

**137.8.3.5.** For all users the following limitations shall apply, except that at no time shall the maximum instantaneous concentration exceed two (2) times the

maximum average concentration per operating day. Those users that are classified as a significant industrial user shall be required to have a discharge permit and shall operate on standards that are established specifically for that operation as described in Section 155 of this Code.

Maximum Average Concentration (Per Operating Day) Pollutant/Pollutant Property	(milligrams/liter)
CN (Cyanide), amenable to chlorination)	2.0
CN (Cyanide), total	0.64
Cr-(6) (Hexavalent Chromium)	0.25
Cu (Copper)	4.60
Ni (Nickel)	3.60
Ag (Silver)	1.38
Cr (Chromate), total	4.20
Zn (Zinc)	3.40
Pb (Lead)	0.8
Cd (Cadmium)	1.0
Total Metal	7.5
BOD	1420
Oil & Grease	903
Tetrachloroethylene	2.11
Total Toxic Organics	2.13

**137.8.3.6.** For all users, the following maximum instantaneous concentrations shall apply:

Maximum Toxicant (milligrams/liter)	Concentration At Any Time
Arsenic	0.1
Barium	5.0
Beryllium	1.0
Boron	1.0
Chlorinated Hydrocarbons (including, but not limited to pesticides, herbicides, & algaecide)	.02
Cresols	2.0
Fluorides	25.0
Formaldehyde	5.0
Manganese	1.0
Mercury	0.05
Organic Solvents	50.0
Phenols	1.0
Selenium	2.0

**137.8.3.7.** Effluent limitations and pretreatment standards promulgated pursuant to the Act shall apply in any instance where they are more stringent than those in

this Section. Subsequent limitations shall apply as promulgated in accordance with the Act. The Town shall endeavor to give reasonable notice of the applicability of such standards and limitations to users potentially affected thereby.

**137.8.4. Limitations on Point of Discharge.**

**137.8.4.1.** It shall be unlawful for any person to discharge any substance directly into a manhole or other opening in the wastewater treatment system other than through an approved service line.

**137.8.4.2.** Liquid wastes from septic tanks, chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the wastewater system except at locations authorized by the Superintendent and the Town Manager to collect such wastes within the Town.

**137.8.4.3.** It shall be unlawful for any person to discharge cooling waters or process waters to a storm sewer or natural outlet.

**137.8.5. Disposal Limitations.**

**137.8.5.1.** It shall be unlawful for any person to dispose of wastes at the disposal facilities of the Town where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in section **137.6.8.**

**137.8.5.2.** The Town shall endeavor to identify and compile a record of those sources which produce or may produce wastes which are or may be in violation of the limitations imposed by this Section and any such record shall be available to any person as the Town's open records policy provides. However, the limitations imposed by this Section shall apply without regard to the existence, substance or availability of any such record.

**137.9. Control of Prohibited Wastes.**

**137.9.1. Regulatory Actions: Specific Powers of Superintendent.** If wastewaters containing any substance described in section **137.6.8.** are discharged or proposed to be discharged into the wastewater system of the Town or to any wastewater system tributary thereto, the Superintendent or the Town Manager may take any action necessary to:

**137.9.1.1.** Prohibit the discharge of such wastewater;

**137.9.1.2.** Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this code;

**137.9.1.3.** Require treatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate this code;

**137.9.1.4.** Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the Town for handling and treating excess loads imposed on the wastewater treatment system; or

**137.9.1.5.** Take such other or further remedial action as may be deemed to be desirable or necessary to achieve the purposes of this code.

**137.9.2. Regulatory Actions: General Powers of Superintendent.**

**137.9.2.1.** Any actual or threatened discharge of wastewater containing substances limited or prohibited by this code into the wastewater treatment system of the Town which, by the determination of the Superintendent, presents an imminent or substantial endangerment to the health or welfare of persons or to the environment, or which causes interference with the normal operation of the wastewater treatment system, may be immediately halted or eliminated by the Superintendent or the Town Manager. The Superintendent may halt or eliminate such discharges by means of any procedure or measure authorized by this code for enforcement of discharge limitations and prohibitions, or by means of physical disconnection from the wastewater treatment system or other discontinuance of wastewater treatment service. Such discharges may be halted or eliminated without regard to the compliance of the discharge with other provisions of this code.

**137.9.2.2.** If the Town is fined by the State or Federal governments for any violation of its CDPS permit or violation of water quality standards as the result of a spill, intentional sludge discharge of a toxic pollutant or discharge of wastewater containing substances limited or prohibited by this code into the wastewater treatment system of the Town, then the fine, including all of the Town's legal, sampling, and analytical testing cost and any other related costs shall be charged to the responsible user.

**137.9.3. Pretreatment Facilities: Submission of Plans.** Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plan, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Superintendent for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Such approval shall not be construed as or act as a guaranty or assurance that any discharge is or will be in compliance with any applicable code, ordinance, rule, regulations, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Superintendent.

**137.9.4. Pretreatment Facilities – Operations.** If pretreatment or control of wastewater waste flow is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of this code and all other applicable codes, ordinances, laws, rules and regulations.

**137.9.5. Admission to Property.** Whenever it shall be necessary for the purposes of this code, the Superintendent, upon the presentation of credentials, may enter upon any property or premises at reasonable times, including at any time during the operating day of the use, for the purposes of:

**137.9.5.1.** Copying any records required to be kept under the provisions of this code.

**137.9.5.2.** Inspecting any monitoring equipment or method, and/or

**137.9.5.3.** Sampling any discharge of wastewater into the wastewater treatment system.

**137.9.5.4.** The occupant of such property or premises shall render all proper assistance in such activities.

**137.9.6. Protection from Accidental Discharge.** Each industrial user shall provide adequate protection as approved by the Superintendent from accidental discharge of prohibited materials of other wastes regulated by this code. Facilities and procedures to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's

own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review, and shall be approved by him before installation of the accidental discharge protection. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify this facility as necessary to meet the requirements of this code.

**137.9.7. Report Required for Accidental Discharge.** If a facility has an accidental sludge discharge, the owner or user of the facility responsible for such discharge shall immediately notify the Superintendent so that corrective action may be undertaken to protect the wastewater treatment system. In addition, a written report addressed to the Superintendent detailing the date, time and cause of the accidental discharge and corrective action taken to prevent future discharges, shall be filed by the responsible person within five (5) days of the occurrence of the noncomplying discharge.

**137.9.8. Failure to Report Accidental Discharge.** It shall be unlawful for any person to fail to report any accidental discharge which violates the prohibitions and limitations of this code, as provided in Section **137.9.7**.

**137.10.**

(Deleted in its entirety on March 6, 2003 by Ordinance No. 480)

**137.11.**

(Deleted in its entirety on March 6, 2003 by Ordinance No. 480)

**137.12. Enforcement and Penalties.**

**137.12.1. Notification of Violation.** Whenever the Superintendent finds that any person has violated or is violating this code, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A meeting with the Superintendent may be scheduled at the request of the violating person or Superintendent to discuss the violation and/or satisfactory correction schedule.

**137.12.2. Show Cause Hearing.**

**137.12.2.1.** Upon a finding by the Superintendent that a person has caused or permitted an unauthorized discharge or that any such unauthorized discharge has not been corrected by timely compliance with a correction schedule, whether with or without a meeting with the Town Manager. The Town Manager may order

any person who causes or allows such unauthorized discharge to show cause before the Board of Trustees why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Board of Trustees regarding the violation, and directing the offending party to show cause before the Board of Trustees why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

**137.12.2.2.** The Board of Trustees may conduct the hearing and take the evidence, or may designate a representative to:

**137.12.2.2.1.** Issue in the name of the Board of Trustees notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;

**137.12.2.2.2.** Take the evidence;

**137.12.2.2.3.** Transmit a report of the evidence and hearing to the Board of Trustees, including transcripts and other evidence, together with recommendations for action thereon.

**137.12.2.3.** At any public hearings, testimony taken before the hearing authority or any person designated by it, shall be under oath and recorded electronically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

**137.12.2.4.** Upon review of the evidence by the Board of Trustees, the Board shall make written findings of fact. Thereupon the Board may:

**137.12.2.4.1.** Issue an order stating that no unauthorized discharge has occurred and directing that service shall not be terminated therefor;

**137.12.2.4.2.** Issue an order stating that an unauthorized discharge has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:

**137.12.2.4.2.1.** Adequate treatment facilities, devices or other appurtenances shall have been installed, or

**137.12.2.4.2.2.** Existing treatment facilities, devices or other appurtenances are properly operated or maintained; or

**137.12.2.4.3.** Issue such other or further orders and directives as are necessary and appropriate.

**137.12.2.5.** Any party to the hearing aggrieved or adversely affected by an order of the Board of Trustees may appeal such order to the District Court in and for the County of Lincoln, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

**137.12.3. Remedies.**

**137.12.3.1. Legal Action Authorized:** If any user discharges into the Town's wastewater treatment system contrary to the provisions of section 137, Federal or State pretreatment requirements, or any order of the Town, the Town's attorney may commence an action for appropriate legal and/or equitable relief, including a petition in a court of competent jurisdiction for a temporary restraining order, preliminary and permanent injunction against the violation.

**137.12.3.2 . Termination of Service.** The Town Manager may terminate or cause to be terminated wastewater treatment service to any user for non-payment for users outside the town limits pursuant to C.R.S. 31-35-517 or if any user discharges into the Town's wastewater treatment system contrary to the provisions of section 137, Federal or State pretreatment requirements, or any order of the Town.

**137.12.3.3.** Civil Liability for Expenses: Any person violating the provisions herein shall be liable for any expense, loss or damage caused the Town by reason of such violation, including the increased costs, if any, for managing effluent and/or sludge, when such increases are the result of the user's discharge of toxic pollutants. The Superintendent shall add such charge to the discharger's user charge.

**137.12.3.4.** Civil Fine Pass Through: In the event that a user discharging such pollutants which cause the Town to violate any condition of its CDPS permit and the Town is fined by EPA or the State for such violation, then such user shall be fully liable for the total amount of the fine assessed against the Town by EPA and/or the State.

**137.12.3.5. Penalties for Violation.** Any person who violates the provisions of this Chapter shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) for each violation. Each day in which

any such violation shall continue shall be deemed a separate offense.

**137.12.3.6.** Appropriate Penalties: In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporter's fees, and other expenses of litigation by appropriate legal action against the user found to have violated any provisions herein, or the orders, rules, regulations, and permits issued hereunder. The attorney for the Town, upon request of the Town Board of Trustees, shall petition the District Court to impose, assess, and recover such sums.

**137.12.3.7. Penalties for Falsifying Information.** Any user who knowingly makes false statements, representations or certifications in any application, record, report plan or other document files or required to be maintained pursuant hereto, or pursuant to its wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required herein shall, upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00).

**137.12.4. Disclosure: Availability to Public.** Except as otherwise provided in this code, all records, reports, data or other information supplied by any person as a result of any disclosure required by this code shall be available for public inspection and in compliance with the Town of Limon's open records policy.

**137.12.5. Confidentiality of Trade Secrets.**

**137.12.5.1.** The provisions of section 137.12.3. shall not be applicable to any information designated as a trade secret by the person supplying such information. Material designated as a trade secret may include, but shall not be limited to, processes, operations, style of work or apparatus of confidential commercial or statistical data.

**137.12.5.2.** Information designated as a trade secret pursuant to Section 137.12.5.1. shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the Town charged with enforcing the provisions of this code.

**137.12.5.3.** It shall be unlawful for any officer, employee or authorized representative of the Town to divulge in any manner or to any extent not authorized by judicial order or other provision of law information supplied pursuant to any requirement of this code, when such information has been designated as a trade secret

pursuant to Section **137.12.5.1**. In addition to any other penalties that may be imposed, any officer, employee or authorized representative of the Town who violates the provisions of this section shall be subject to discharge from the employ of the Town.

**137.13. Effective Date.**

**137.13.1. Rates and Charges.** In order to accommodate the Town's billing cycle for Wastewater Service Charges, the provisions of Article VI Sections **137.6.**, **137.7.**, **137.8.**, and **137.9.** of this Code shall become effective beginning with those Wastewater Service Charges which will be billed by the Town to the user during the month of August, 1989 and as amended thereafter.



**138 - Boards and Commissions**

**138.1. Library Board**

**138.1.1. Library Board Members.** The operational direction of the Library shall be vested in a board of five Members who shall be appointed by the Mayor with the consent of the Board of Trustees of the Town of Limon. The first appointments of such Board Members shall be for terms of one, two, three, four and five years, respectively, and thereafter a Board Member shall be appointed annually to serve for five years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A library Board Member may be removed only by vote of the Town Board of Trustees.

(Amended on November 6, 2014 by Ordinance No. 577)

**138.1.2.** The Board Members of the library, immediately after their appointment, shall meet and organize by the election of a president and a secretary and such other officers as they may deem necessary. The Board Members of the library shall have the power to:

**138.1.2.1.** Adopt such by-laws, rules and regulations for their own guidance and for the operation of the library as they deem appropriate and as approved by the Town of Limon Board of Trustees;

**138.1.2.2.**

(Deleted on November 6, 2014 by Ordinance No. 577)

**138.1.2.3.** Advise the Library Director on operational policies and procedures;

**138.1.2.4.**

(Deleted on November 6, 2014 by Ordinance No. 577)

**138.1.2.5.** Have advisement authority of the disbursement of the funds in the library checking account;

**138.1.2.6.** Accept such gifts of money or property for library purposes as they deem appropriate;

**138.1.2.7.**

(Deleted on November 6, 2014 by Ordinance No. 577)

**138.1.2.8.**

(Deleted on November 6, 2014 by Ordinance No. 577)

**138.1.2.9.** Purchase books, periodicals, maps, supplies, and materials for the library on the recommendation of the Library Director; and

**138.1.2.10.** Do all other acts necessary for the orderly and efficient management of the library.

**138.1.3. Finance.** The Board of Trustees of the Town of Limon, Colorado shall annually approve a budget for the operation of the library within the General Fund. The library department shall adhere to the same policies applicable to other departments within the Town of Limon concerning financial transactions and operations. The Board Members of the library shall recommend appropriate expenditures of funds which are donated to the library or which are generated through typical operations of the library which are approved by the Town Board of Trustees.

**138.1.4. Destruction of Library Property.** If any person shall willfully or maliciously, or wantonly and without cause, write in or upon, or injure, deface, tear or destroy any book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript or other item belonging to said library, they shall be deemed guilty of an offense, and shall be, upon conviction thereof, be punished by a fine commensurate to the cost for repair or replacement of the damaged item but not less than ten (10) dollars..

**138.1.5. Failure to Return Books and Other Items.** Any person who should fail to return any book or other item belonging to said library, according to the by-laws duly made and adopted by said Library Board, shall be fined as described in the policy adopted by the Board Members of the library in effect at the time for each and every offense.

**138.1.6. Rules and Regulations.** The said Library Board shall assure compliance with the rules and regulations prescribed by the Town Board of Trustees concerning the use of the public library and its facilities by the public. Violation of any such rules and regulations shall be deemed a violation of this code.

**138.2. Cemetery Board.**

HISTORY: Amended entirely on March 3, 1994 by Ordinance 374; Amended on November 6, 2014 by Ordinance No. 577

**138.2.1. Board of Trustees.** A five-member Board of Trustees shall be appointed by the Mayor with the consent of the Board of Trustees of the Town of Limon. The first appointments of such cemetery Trustees shall be for terms of one, two, three, four, and five years, respectively, and thereafter a Trustee shall be appointed annually to serve five years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A cemetery Trustee may be removed only by vote of the Board of Trustees of the Town of Limon.

**138.2.2. Organization and Powers.** The Board of Trustees of the cemetery, immediately after their appointment, and annually thereafter shall meet and organize by the election of a president and a secretary and such other officers as they may deem necessary. The Board of Trustees of the cemetery shall have the power to:

**138.2.2.1.** Adopt such by-laws, rules and regulations for their own governance and for the government of the cemetery as they deem expedient;

**138.2.2.2.** Submit annually a capital improvements plan to the Town of Limon identifying the sums necessary to fund the improvements desired during the budgetary year;

**138.2.2.3.** Accept such gifts of money for cemetery purposes as they deem expedient;

**138.2.3. Town of Limon Responsibilities.** Under the supervision of the Town Manager, the Town of Limon shall:

(Amended on June 6, 1996 by Ordinance No. 398)

**138.2.3.1.** Provide all materials, supplies and labor for the maintenance and upkeep of the cemetery within the limits established by the General Fund Budget;

**138.2.3.2.** Coordinate with the Board of Trustees of the Cemetery to plan and carry out a capital improvements plan.

**138.2.4. Finance.** The Board of Trustees of the Town of Limon shall annually establish the budget within the General Fund to maintain and operate the cemetery.

**138.2.5. Perpetual Care.** The Town Board of Trustees shall designate specific sources of revenue to be placed in a "Cemetery Perpetual Care Fund" to be kept separate and apart from any other monies of the Town. The Board of Trustees of the Cemetery shall determine how these funds shall be allocated and included in a capital improvements plan.

**138.2.6. Sale of Lots.** The Town Clerk shall sell or cause to be sold lots or a lot to any person applying for the purchase of the same. The Town Board of Trustees shall have the authority to set the cost for said lots by Resolution as well as to determine the percentage of the sale that will go to the General Fund for Cemetery use and the percentage of the sale that shall be deposited in the Cemetery Perpetual Care Fund.

**138.2.7. Name of Cemetery.** From this day forth, the said cemetery shall be designated under the name of "Pershing Memorial Cemetery".

**138.3. Parks and Recreation Board.**

(Deleted in its entirety by Ordinance No. 380 on October 6, 1994)

**138.4. Planning Commission.**

HISTORY: Ordinance No. PHA1 adopted June 3, 1965; Amended April 6, 1995 by Ordinance No. 386; Amended on November 6, 2014 by Ordinance No. 577.

**138.4.1.** There is herewith created for the Town of Limon, Lincoln County, Colorado, a Planning Commission in pursuance of the Planning Commission Law for Towns and Cities, Chapter 31, Article 23, Part 2, Colorado Revised Statutes.

**138.4.2.** The commission shall consist of seven members: there shall be the two ex-officio members

consisting of the Mayor, a member of the Board of Trustees to be selected by said Board and five other persons as appointed by the Board of Trustees. All members shall be bona fide members and residents of the municipality and if any member ceases to reside in such municipality his membership on said commission shall immediately terminate. All members of the commission shall serve as such without compensation and the appointed members shall hold no other municipal office except that one such appointed member may be a member of the zoning board of adjustment or appeals.

**138.4.3.** The terms of the ex-officio members shall correspond to their respective official tenures.

**138.4.4.** The term of each appointed member shall be six years or until his successor takes office, except that respective terms of one member first appointed shall be for two, two members first appointed shall be for four years and two members first appointed shall be six years. Members, other than the member representing the Board of Trustees, may be removed, after public hearings, by the Board of Trustees for inefficiency, neglect of duty, or malfeasance in office, and the Board of Trustees may remove the member representing it for the same reasons. The Mayor, or Board of Trustees, as the case may be, shall file a written statement of reasons for such removal.

**138.4.5.** Vacancies occurring otherwise than through the expiration of a term shall be filled for the remainder of the unexpired term by the Board of Trustees in the case of members selected or appointed by him, by the Board of Trustees in the case of the Trustee member selected by it.

**138.4.6.** The commission shall select its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year with eligibility for re-election. The commission shall hold at least one regular meeting in each year. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

**138.4.7.** The Board of Trustees shall provide the funds, equipment and accommodations necessary for the work of the commission, but the expenditures of the commission, exclusive of gifts, shall be within the amounts specified and appropriated for this purpose by the Board of Trustees; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

**138.4.8.** It shall be the purpose and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries subject to the approval of the legislative or governing body having jurisdiction thereof, which in the commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of said territory. And, further, to do each and every thing reasonably necessary and proper to accomplish such purposes and duties.



**139 - Disposition of Unclaimed Property**

HISTORY: Added June 25, 1992 by Ordinance No. 362; Amended on November 6, 2014 by Ordinance No 577.

**139.1. Purpose.** The purpose of this code is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town of Limon.

**139.2. Definitions.** Unless otherwise required by context or use, words and terms shall be defined as follows:

**139.2.1. Unclaimed property:** any tangible or intangible property, including any income or increment derived there from, less any lawful charges, that is held by or under the control of the Town of Limon and which has not been claimed by its owner for a period of more than one year after it became payable or distributable.

**139.2.2. Municipality:** the Town of Limon, Colorado.

**139.2.3. Owner:** a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the Town.

**139.2.4. Town Clerk:** the Officer responsible for administration of this code or designee thereof.

**139.3. Procedure for disposition of property.**

**139.3.1.** Prior to disposition of any unclaimed property having an estimated value of \$300.00 or more, the Town Clerk shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town Clerk with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

**139.3.2.** Prior to disposition of any unclaimed property having an estimated value of more than \$300.00 and having no last known address of the owner, the Town Clerk shall cause a notice to be published in a newspaper of general circulation in the town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town Clerk with a written claim for the return of the property within sixty (60) days of the date of publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

**139.3.3.** If the Town Clerk receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

**139.3.4.** If the Town Clerk receives a written claim within the sixty (60) day claim period, the Town Clerk shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part.

**139.3.5.** The Town Clerk may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

**139.3.6.** In the event that there is more than one claimant for the same property, the Town Clerk may, in the Town Clerk's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.

**139.3.7.** In the event that all claims filed are denied, the property shall become the sole property of the municipality and any claim of the owner of such property shall be deemed forfeited.

**139.3.8.** Any legal action filed challenging a decision of the Town Clerk shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Town Clerk pursuant to the order of the Court having jurisdiction over such claim.

**139.3.9.** The Town Clerk is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this code, including compliance requirements for other municipal officers and employees in the identification and disposition of such property.

**139.4. Sale of unclaimed property.** Sale or disposition of unclaimed property shall be at the discretion of the Town Manager, based upon recommendation of the Town Clerk or Police Chief.



**140 – Court**

**141 - Organization of Limon Municipal Court**

HISTORY: 1958 Municipal Code - Amended entirely on March 3, 1994 by Ordinance No. 375; Amended on November 6, 2014 by Ordinance No. 577

**141.1. Establishment of Court; Term, Appointment, and Removal of Municipal Judge.**

**141.1.1.** A Municipal Court shall be and hereby is created and established as a "qualified municipal court of record" pursuant to the provisions of Colorado Revised Statutes. In all operations of the Municipal Court, a verbatim record of the proceedings and evidence at trial shall be kept by either electronic devices or stenographic

means. The Municipal Court is created to hear and try all alleged violations of the Town Code and ordinance provisions.

**141.1.2.** The Municipal Court shall be presided over by a municipal judge who shall be appointed by the Town Board of Trustees for a specified term of not less than two years at the first regular meeting following an election or at such time a vacancy may exist and who may be reappointed for a subsequent term; except that the initial appointment under this section may be for a term of office which expires on the date of the next election of the Board of Trustees. Any vacancy in the office of municipal judge shall be filled by appointment of the Board of Trustees for the remainder of the unexpired term. The municipal judge shall be duly qualified and admitted to, and currently licensed in, the practice of law in the State of Colorado.

**141.1.3.** A municipal judge may be removed during his or her term of office only for cause. A judge may be removed for cause if:

**141.1.3.1.** He or She is found guilty of a felony or any other crime involving moral turpitude;

**141.1.3.2.** He or She has a disability which interferes with the performance of his or her duties and which is or is likely to become of a permanent character;

**141.1.3.3.** He or She has willfully or persistently failed to perform his or her duties;

**141.1.3.4.** He or she is habitually intemperate;

**141.1.3.5.** The Town required the judge to live within the town boundaries prior to appointment and the judge has since moved beyond those town boundaries.

**141.2. Municipal Judge Compensation.** The salary of the municipal judge shall be a fixed annual compensation payable upon a monthly basis as determined by the Town Board of Trustees and as established by Ordinance.

**141.3. CLERK OF THE MUNICIPAL COURT.**

**141.3.1.** The position of clerk of the Municipal Court is hereby established by the Town Board, said clerk to be appointed by the presiding Municipal Judge. However, if the Town Board of Trustees determines that the business of the Municipal Court is insufficient to warrant a separate full-time or part-time clerk, the Town Board may designate the municipal judge to serve as ex officio clerk.

**141.3.2.** The clerk of the Municipal Court shall have such duties as are delegated to him or her by law, court rule, or the presiding municipal judge.

**141.4. Bond**

**141.4.1.** The Clerk of the Municipal Court shall be covered by a bond such bond to be approved by the Board of Trustees and to be conditioned upon the faithful performance of the clerk's duties, and for the faithful accounting for, and payment of, all funds deposited with or received by the court. The Board of Trustees may waive the requirement for the bond by resolution.

**141.4.2.** Before entering upon the duties of his or her office, the municipal judge shall take and subscribe and file with the Clerk of the Town of Limon, an oath or affirmation that he or she will support the Constitution of the United States and of the State of Colorado and the Charter and codes and Ordinances of the Town of Limon, and will faithfully perform the duties of the office.

**141.5. Procedures and Powers of the Municipal Court.** The municipal judge shall have all judicial powers relating to the operation of his or her court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court. The municipal judge also has authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court.

**141.6. COMMENCEMENT OF ACTIONS.**

**141.6.1.** Any action or summons brought in the Municipal Court to recover any fine or enforce any penalty or forfeiture under any Town ordinance or the Town Code shall be filed in the corporate name of the Town of Limon by and on behalf of the people of the state of Colorado.

**141.6.2.** Any process issued from the Municipal Court runs in the corporate name of the Town of Limon by and on behalf of the people of the state of Colorado. Processes from the Municipal Court shall be executed by any authorized law enforcement officer from the Town.

**141.6.3.** Any authorized law enforcement officer may execute within his jurisdiction any summons, process, writ, or warrant issued by the Municipal Court. For the purposes of this section, traffic offenses shall not be considered criminal or quasi-criminal offenses.

**141.6.4.** The clerk of the Municipal Court shall issue a subpoena for the appearance of any witness in Municipal Court upon the request of either the Town or

the defendant. The subpoena may be served upon any person within the jurisdiction of the court in the manner prescribed by the rules of procedure applicable to municipal courts. Any person subpoenaed to appear as a witness in Municipal Court shall be paid a witness fee in the amount of five dollars (\$5.00).

**141.6.5.** Upon the request of the Municipal Court the Town or the defendant, the clerk of the Municipal Court shall issue a subpoena for the appearance, at any and all stages of the court's proceedings, of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense.

**141.7. Fines, Penalties, Costs, and Rights of Defendants.**

**141.7.1.** Any person convicted of violating a municipal code and/or ordinance may be fined an amount not to exceed Five Hundred Dollars, (\$500.00) per occurrence. In that the Town has decriminalized those traffic offenses as set forth in section **636.**, any person charged with violating the Code or any ordinance therein shall not be entitled to a trial by jury, but shall be entitled to the following rights: (1) to appear and defend in person and by counsel; (2) to demand the nature and cause of the accusation; (3) to meet the witnesses against him face to face; (4) to have process to compel the attendance of witnesses in his behalf; (5) a speedy public trial to the Municipal Judge; and (6) no person shall be compelled to testify against himself nor shall any person be twice put in jeopardy for the same offense.

(Amended on November 6, 2014 by Ordinance No. 577)

**141.7.2 Sentencing or Fines Under Model Traffic Code and/or Section 636.** In sentencing or fining a violator who has been convicted of committing a traffic offense as defined by the Model Traffic Code as adopted by the Town of Limon, or section **636**, the fine shall be the same as and shall not exceed such fine as imposed by the State of Colorado, effective October 1, 2008, for similar traffic offenses or infractions committed on a state highway or road. A Schedule of Fines shall be posted in the vicinity of where the violator is to pay his or her fine setting forth the maximum fine for each offense. This provision does not impede the Municipal Court Judge's discretion as to the suspension of fines for circumstances deemed relevant by the Judge. Further, any change or amendment of the State of Colorado fines for traffic offenses, as such schedule exists on October 1, 2008, shall not result in a similar change in the fines imposed by the Limon Municipal Court without a corresponding resolution, code or ordinance approved by the Board.

(Amended October 2, 2008 by Ordinance No. 525.)

**141.7.2.1. Sentencing or Fines Under Other Code Violations.** In sentencing or fining a violator who has been convicted of committing any offense not addressed in Section **141.7.2.**, the municipal judge shall not exceed the sentence or fine limitations established by code. The municipal judge may suspend the sentence or fine of any violator and place him or her on probation for a period not to exceed one year.

(Added October 2, 2008 by Ordinance No. 525.)

**141.7.3.** The municipal judge is empowered in his or her discretion to assess costs against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation. The municipal judge shall, in all such cases, assess costs of no less than One Hundred Dollars (\$100.00).

(Amended October 2, 2008 by Ordinance No. 525; Amended on November 6, 2014 by Ordinance No. 577.)

**141.7.4.** All fines and costs collected or received by the municipal court shall be reported and paid monthly, to the treasurer of the Town and deposited in the general fund of the Town.

**141.8 Appeals.**

**141.8.1.** Appeals taken from judgments of the Municipal Court shall be made to the District Court of Lincoln County. The practice and procedure in such case shall be the same as provided by section 13-6-310 of the Colorado Revised Statutes and applicable rules of procedure for the appeal of misdemeanor convictions from the county court to the district court.

**141.8.2.** All appeal costs, procedures, and bond requirements shall be the same as set forth in Colorado Revised Statutes 13-10-117, 13-10-118, 13-10-119, 13-10-120, 13-10-121, 13-10-122, 13-10-123, and 13-10-124 as such statutes apply to municipal courts of record.



**142 - Compensation for Police Magistrates, Fees, Other Charges**

HISTORY: Ordinance No. 187 dated May 6, 1985; Repealed in its entirety on March 3, 1994 by Ordinance No. 375.



**150 - Administrative Matters**

**151 - Legal Holidays**

**151.1. Legal Holiday – Town Hall to Observe.** Legal holidays shall be identified in the Personnel Handbook of the Town of Limon as approved by Resolution of the Board of Trustees..

(Amended by Ordinance No. 380 on October 6, 1994; Amended on November 6, 2014 by Ordinance No 577)

**151.2. Saturday Half – Day.**

(Deleted by Ordinance No. 380 on October 6, 1994)

**151.3. Emergency.** The mayor is hereby empowered to declare an emergency in which event any of the holidays enumerated above may be discontinued for the duration of the emergency.



**152 - Official Map**

**153 - Fiscal Year**

**155 – Non-Domestic Pretreatment**

**155.1. General Provisions.**

**155.1.1. Purpose and Policy.** This code sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Town of Limon and enables the Town of Limon to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

**155.1.1.1.** The objectives of this code are:

**155.1.1.1.1.** To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

**155.1.1.1.2.** To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

**155.1.1.1.3.** To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

**155.1.1.1.4.** To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

**155.1.1.1.5.** To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

**155.1.1.1.6.** To enable the Town of Limon to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

**155.1.1.2.** This code shall apply to all users of the Publicly Owned Treatment Works. The code authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**155.1.2. Administration.** Except as otherwise provided herein, Town Manager shall administer, implement, and enforce the provisions of this code. Any powers granted to or duties imposed upon the Town Manager may be delegated by the Town Manager to other Town of Limon personnel, as appropriate.

**155.1.3. Abbreviations.** The following abbreviations, when used in this code, shall have the designated meanings:

**155.1.3.1.1.** BOD - Biochemical Oxygen Demand

155.1.3.1.2. CFR - Code of Federal Regulations

155.1.3.1.3. COD - Chemical Oxygen Demand

155.1.3.1.4. EPA - U.S. Environmental Protection Agency

155.1.3.1.5. gpd - gallons per day

155.1.3.1.6. mg/l - milligrams per liter

155.1.3.1.7. NAICS – North American Industry Classification System

155.1.3.1.8. NPDES -National Pollutant Discharge Elimination System

155.1.3.1.9. POTW - Publicly Owned Treatment Works

155.1.3.1.10. RCRA -Resource Conservation and Recovery Act

155.1.3.1.11. TSS - Total Suspended Solids

155.1.3.1.12. U.S.C. - United States Code

155.1.3.2. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

155.1.3.2.1. **Act or “the Act”:** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 6 1251 et seq.

155.1.3.2.2. **Authorized Representative of the User:**

155.1.3.2.3. If the user is a corporation:

155.1.3.2.3.1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

155.1.3.2.3.2. The manager of one or more manufacturing, production, or operation facilities, covered by this code, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures and the written authorization is submitted to the Town of Limon.

155.1.3.2.4. If the user is a partnership or sole proprietorship: a general partner or Proprietor, respectively.

155.1.3.2.5. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

155.1.3.2.6. The individuals described in sections 137.1.3.2.1. through 137.1.3.2.3., may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town of Limon.

155.1.3.3. **Biochemical Oxygen Demand or BOD:** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

155.1.3.4. **Categorical Pretreatment Standard or Categorical Standard:** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 6 1317), as amended.

155.1.3.5. **Environmental Protection Agency or EPA:** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

155.1.3.6. **Existing Source:** Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

155.1.3.7. **Grab Sample:** A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

155.1.3.8. **Indirect Discharge or Discharge:** The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

**155.1.3.9. Instantaneous Maximum Allowable Discharge Limit:** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**155.1.3.10. Interference:** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and may, as a result thereof, result in or contribute as a cause of a violation of Town of Limon’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

**155.1.3.11. Medical Waste:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes. and dialysis waste

**155.1.3.12. New Source:**

**155.1.3.12.1.** Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

**155.1.3.12.1.1.** The building, structure, facility, or installation is constructed at a site at which no other source is located; or

**155.1.3.12.1.2.** The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

**155.1.3.12.1.3.** The production or wastewater generating processes of the building,

structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

**155.1.3.12.2.** Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Sections **137.1.3.12.1.2.** or **137.1.3.12.1.3.**, but otherwise alters, replaces, or adds to existing process or production equipment.

**155.1.3.12.3.** Construction of a new source as defined under this section has commenced if the owner or operator has:

**155.1.3.12.3.1.** Begun, or caused to begin, as part of a continuous onsite construction

**155.1.3.12.3.1.1.** any placement, assembly, or installation of facilities or equipment; or

**155.1.3.12.3.1.2.** significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

**155.1.3.12.3.2.** Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**155.1.3.13. Non-contact Cooling Water:** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**155.1.3.14. North American Industry Classification System:** A system developed jointly by the U.S., Canada, and Mexico to provide new comparability in statistics about business activity across North America which replaced Standard Industry Codes (SIC).

**155.1.3.15. Pass Through:** A discharge, which exits the POTW into waters of the United States in

quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, and may as a result thereof result in or contribute as a cause of a violation of any requirement of the Town of Limon's NPDES permit, including an increase in the magnitude or duration of a violation.

**155.1.3.16. Person:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

**155.1.3.17. pH:** A measure of the acidity or alkalinity of a solution, expressed in standard units.

**155.1.3.18. Pollutant:** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**155.1.3.19. Pretreatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**155.1.3.20. Pretreatment Requirements:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**155.1.3.21. Pretreatment Standards or Standards:** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

**155.1.3.22. Prohibited Discharge Standards or Prohibited Discharges:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 155.2.1.

**155.1.3.23. Publicly Owned Treatment Works or POTW:** A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 91292) which is owned by the

Town of Limon. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

**155.1.3.24. Town Manager:** The person designated by the Town of Limon to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this code, or a duly authorized representative.

**155.1.3.25. Septic Tank Waste:** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**155.1.3.2.6. Sewage:** Human excrement and gray water (household showers, dishwashing operations, etc.).

**155.1.3.27. Significant Industrial User:**

**155.1.3.27.1.** A user subject to categorical pretreatment standards; or

**155.1.3.27.2.** A user that:

**155.1.3.27.2.1.** Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

**155.1.3.27.2.2.** Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

**155.1.3.27.2.3.** Is designated as such by the Town of Limon on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**155.1.3.27.3.** Upon a finding that a user meeting the criteria in section 155.1.3.27.2. has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town of Limon may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**155.1.3.28. Slug Load or Slug:** Any discharge at a flow rate or concentration which could cause a

violation of the prohibited discharge standards in Section 155.2.1.

**155.1.3.29. Storm Water:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**155.1.3.30. Suspended Solids:** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

**155.1.3.31. Town:** The Town of Limon or the Board of Trustees of the Town of Limon

**155.1.3.32. Town Code:** The Municipal Code of the Town of Limon.

**155.1.3.33. User or Industrial User:** A source of indirect discharge.

**155.1.3.34. Wastewater:** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**155.1.3.35. Wastewater Treatment Plant or Treatment Plant:** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**155.2. General Sewer Use Requirements.**

**155.2.1. Prohibited Discharge Standards.**

**155.2.1.1. General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

**155.2.1.2. Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

**155.2.1.2.1.** Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

**155.2.1.2.2.** Wastewater having a pH less than 6.5, nor greater than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

**155.2.1.2.3.** Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch (1/2") in any dimension;

**155.2.1.2.4.** Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

**155.2.1.2.5.** Wastewater having a temperature greater than 150° F (65.56° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

**155.2.1.2.6.** Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

**155.2.1.2.7.** Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

**155.2.1.2.8.** Trucked or hauled pollutants, except at discharge points designated by the Town Manager in accordance with Section 155.3.4.;

**155.2.1.2.9.** Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

**155.2.1.2.10.** Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town of Limon's NPDES permit;

**155.2.1.2.11.** Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

**155.2.1.2.12.** Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate,

deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Town Manager;

**155.2.1.2.13.** Sludges, screenings, or other residues from the pretreatment of industrial wastes;

**155.2.1.2.14.** Medical wastes, except as specifically authorized by the Town Manager in a wastewater discharge permit;

**155.2.1.2.15.** Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

**155.2.1.2.16.** Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

**155.2.1.2.17.** Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

**155.2.1.3.** Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

**155.2.2. National Categorical Pretreatment Standards.**

**155.2.2.1.** The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated

**155.2.2.1.1.** Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Town Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

**155.2.2.1.2.** When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Town Manager shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

**155.2.2.1.3.** A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its

discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

**155.2.2.1.4.** A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

**155.2.3. State Pretreatment Standards.**

[RESERVED]

**155.2.4. Local Limits.**

(Amended October 9, 2003 by Ordinance No. 489)

**155.2.4.1.** The following pollutant limits are established to protect against pass through and interference. No user shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

- 155.2.4.1.1.** May – November  
.00344 mg/l arsenic  
December – April  
.00344 mg/l arsenic
- 155.2.4.1.2.** May – December  
.003068 mg/l cadmium  
December – April  
.003067 mg/l cadmium
- 155.2.4.1.3.** May – November  
2.714 mg/l chromium (6, Hexavalent Chromium)  
November – April  
2.684 mg/l chromium (6, Hexavalent Chromium)
- 155.2.4.1.4.** May – November  
2.646 mg/l chromate, total  
November – April  
2.616 mg/l chromate, total
- 155.2.4.1.5.** May – November  
.1934 mg/l copper  
December – April  
.1919 mg/l copper
- 155.2.4.1.6.** May – November  
.03480 mg/l lead  
December – April  
.03458 mg/l lead

- 155.2.4.1.7. May – November  
.002733 mg/l mercury  
December – April  
.002706 mg/l mercury
- 155.2.4.1.8. May – November  
.04873 mg/l nickel  
December – April  
.04842 mg/l nickel
- 155.2.4.1.9. May – November  
1,247.67 mg/l nitrogen, total kjeldahl  
December – April  
1,234.13 mg/l nitrogen, total kjeldahl
- 155.2.4.1.10. 102.88 mg/l oil and grease
- 155.2.4.1.11. May – November  
.00883 mg/l selenium  
December – April  
.00881 mg/l selenium
- 155.2.4.1.12. 10 mg/l Settable Solids
- 155.2.4.1.13. 37 ml/l Settable Solids
- (Amended March 6, 2006 by Ordinance No. 514.)
- 155.2.4.1.14 . May – November  
.2764 mg/l zinc  
December – April  
.2753 mg/l zinc
- 155.2.4.1.15. Not less than 6.5 nor greater than 9.0 pH

**155.2.4.2.** The following pollutant limits are established to protect against pass through and interference. No user shall discharge wastewater containing in excess of the following allowable discharge limits:

**155.2.4.2.1.** BOD<sub>5</sub> shall not exceed an instantaneous maximum allowable discharge limit of 712 mg/l nor exceed a thirty (30) day average of 475 mg/l.

**155.2.4.2.2.** Total Dissolved Solids (TDS) shall not exceed an instantaneous maximum allowable discharge limit of 3,750 mg/l nor exceed a thirty (30) day average of 2,500 mg/l.

**155.2.4.2.3.** Total Suspended Solids (TSS)

**155.2.4.2.3.1.** May – November shall not exceed an instantaneous maximum allowable discharge limit of 790 mg/l nor exceed a thirty (30) day average of 527 mg/l.

**155.2.4.2.3.2.** December – April shall not exceed an instantaneous maximum allowable discharge limit of 870 mg/l nor exceed a thirty (30) day average of 580 mg/l.

**155.2.4.2.4.** Cyanide, amendable to chlorination

**155.2.4.2.4.1.** May – November shall not exceed an instantaneous maximum allowable discharge limit of 0.354 mg/l nor exceed a thirty (30) day average of 0.236 mg/l.

**155.2.4.2.4.2.** December – April shall not exceed an instantaneous maximum allowable discharge limit of 0.350 mg/l nor exceed a thirty (30) day average of 0.233 mg/l.

**155.2.4.2.5.** Sulfate/Sulfide shall not exceed an instantaneous maximum allowable discharge limit of 1,778 mg/l nor exceed a thirty (30) day average of 1,185 mg/l.

**155.2.4.3.** The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. the Town Manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

**155.2.4. Town of Limon’s Right of Revision.** The right to establish, by code, ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**155.2.5. Dilution.** No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. the Town Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**155.3. Pretreatment of Wastewater.**

**155.3.1. Pretreatment Facilities.**

**155.3.1.1.** Users shall provide wastewater treatment as necessary to comply with this code and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section **155.2.1.** within the time limitations specified by EPA, the State, or the Town Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Town Manager for review, and shall be acceptable to the Town Manager before such facilities are constructed. The Town Manager may request such additional information as is necessary for a full review of the plans.

**155.3.1.1.1.** Within ten (10) days of receiving all information requested by the Town Manager, the Town Manager shall schedule a consultation meeting with the user or the user's representative at which time the Town Manager may request the user to prepare a mitigation plan that modifies the facility operation or design to ensure compliance with the Town Code and pretreatment standards.

**155.3.1.1.2.** Within twenty (20) days of the consultation meeting, the Town Manager may, by written memorandum, approve the facility plan incorporating any alterations, modifications, or conditions deemed necessary to ensure that the facility will comply with Town Code and pretreatment standards, or may deny the facility plan if the constructed facility will not meet Town Code or pretreatment standards.

**155.3.1.1.3.** In the event that the Town Manager determines that plans submitted by the user require further technical expertise may authorize the use of appropriate technical assistance in evaluating and/or modifying the plan and shall further establish at that time a time table for the completion of the study and construction or installation of the proposed facility.

**155.3.1.1.4.** As to Significant Industrial Users, the timetable for the construction of pretreatment facilities may, at the discretion of the Town Manager, be coordinated with the issuance of a wastewater discharge permit as set forth in Section **155.4.**

**155.3.2. Additional Pretreatment Measures:**

**155.3.2.1.** Whenever deemed necessary, the Town Manager may require users to restrict their

discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this code.

**155.3.2.2.** The Town Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow- control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

**155.3.2.3.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Town Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

**155.3.2.4.** Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**155.3.3. Accidental Discharge/Slug Control Plans**

**155.3.3.1.** At least once every two (2) years, the Town Manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. the Town Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Town Manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

**155.3.3.1.1.** Description of discharge practices, including non-routine batch discharges;

**155.3.3.1.2.** Description of stored chemicals;

**155.3.3.1.3.** Procedures for immediately notifying the Town Manager of any accidental or slug discharge, as required by Section **155.6.6.**; and

**155.3.3.1.4.** Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and

maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

**155.3.4. Hauled Wastewater. [RESERVED]**

**155.4. Wastewater Discharge Permit Application.**

**155.4.1.** When requested by the Town Manager, a user must submit information on the nature and characteristics of its wastewater within twenty-one (21) days of the request. the Town Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

**155.4.2. Wastewater Discharge Permit Requirement.**

**155.4.2.1.** No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Town Manager except that a significant industrial user that has filed a timely application pursuant to Section **155.4.3.** may continue to discharge for the time period specified therein.

**155.4.2.2.** The Town Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this code.

**155.4.2.3.** Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this code and subjects the wastewater discharge permittee to the sanctions set out in Sections **155.10.** through **155.12.** Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

**155.4.3. Wastewater Discharge Permitting: Existing Connections**

**155.4.3.1.** Any user, other than a Significant Industrial User, required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this code and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Town Manager for a wastewater discharge permit in accordance with Section **155.4.5.**, and shall not cause or allow discharges to the POTW to continue after one

hundred twenty (120) days of the effective date of this code except in accordance with a wastewater discharge permit issued by the Town Manager.

**155.4.3.2.** Any Significant Industrial User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this code and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Town Manager for a wastewater discharge permit in accordance with Section **155.4.5.**

**155.4.3.2.1.** In support of the application, the Significant Industrial User shall submit any and all information requested by the Town Manager as set forth on a form provided by the Town.

**155.4.3.2.2.** If additional pretreatment facilities or requirements are necessary to meet the pretreatment standards, the Town Manager with assistance from available technical assistance that the Town Manager may seek, may establish a schedule and timetable for meeting pretreatment standards.

**155.4.3.2.3.** The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Significant Industrial User to meet the applicable pretreatment standards.

**155.4.3.2.4.** In no event shall the schedule exceed nine (9) months or the Significant Industrial User be permitted to discharge into the POTW after the schedule deadline without the written consent of the Town Manager.

**155.4.4. Wastewater Discharge Permitting: New Connections.** Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section **155.4.5.**, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

**155.4.5. Wastewater Discharge Permit Application Contents**

**155.4.5.1.** All users required to obtain a wastewater discharge permit must submit a permit application. The Town Manager may require all users to submit as part of an application the following information:

**155.4.5.1.1.** All information required by Section **155.6.1.2.**;

**155.4.5.1.2.** Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

**155.4.5.1.3.** Number and type of employees, hours of operation, and proposed or actual hours of operation;

**155.4.5.1.4.** Each product produced by type, amount, process or processes, and rate of production;

**155.4.5.1.5.** Type and amount of raw materials processed (average and maximum per day);

**155.4.5.1.6.** Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by site, location, and elevation, and all points of discharge;

**155.4.5.1.7.** Time and duration of discharges; and

**155.4.5.1.8.** Any other information as may be deemed necessary by the Town Manager to evaluate the wastewater discharge permit application.

**155.4.5.2.** Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**155.4.6. Application Signatories and Certification.** All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the System, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

**155.4.7. Wastewater Discharge Permit Decisions.**

**155.4.7.1.** The Town Manager will evaluate the data furnished by the user, except for Significant Industrial Users, and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application for users other than Significant Industrial Users, the Town Manager will determine whether or not to issue a wastewater discharge permit. The Town Manager may deny any application for a wastewater discharge permit.

**155.4.7.2.** The Town Manager will evaluate data provided by Significant Industrial Users pursuant to the Section **155.4.3.2.**

**155.5. Wastewater Discharge Permit Issuance Process.**

**155.5.1. Wastewater Discharge Permit Duration.** A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Town Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire.

**155.5.2. Wastewater Discharge Permit Contents.**

**155.5.2.1.** A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Town Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

**155.5.2.2.** Wastewater discharge permits must contain:

**155.5.2.2.1.** A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

**155.5.2.2.2.** A statement that the wastewater discharge permit is nontransferable except in accordance with Section **155.5.5.**, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

**155.5.2.2.3.** Effluent limits based on applicable pretreatment standards;

**155.5.2.2.4.** Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

**155.5.2.2.5.** A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

**155.5.2.2.6.** A statement requiring that within ninety (90) days of the effective date of the permit, a Best Management Practices Plan for control of solvents and for the control of accidental spills shall be submitted.

**155.5.2.2.7.** Industrial Pretreatment Enforcement Response Guide

**155.5.3.** Wastewater discharge permits may contain, but need not be limited to, the following conditions:

**155.5.3.1.** Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

**155.5.3.2.** Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

**155.5.3.3.** Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

**155.5.3.4.** Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

**155.5.3.5.** The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

**155.5.3.6.** Requirements for installation and maintenance of inspection and sampling facilities and equipment;

**155.5.3.7.** A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

**155.5.3.8.** Other conditions as deemed appropriate by the Town Manager to ensure compliance with this code, and State and Federal laws, rules, and regulations.

**155.5.4. Wastewater Discharge Permit Appeals.**

**155.5.4.1.** The Town Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Town Manager to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

**155.5.4.1.1.** Failure to submit a timely petition for review shall be deemed to be a waiver of the user's right to an administrative appeal.

**155.5.4.1.2.** In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

**155.5.4.1.3.** The effectiveness of the wastewater discharge permit shall not be stayed pending the administrative review and/or appeal.

**155.5.4.1.4.** Upon receipt of the petition, the Town Manager shall respond, in writing, to the petition either admitting or denying any request set forth in the petition.

**155.5.4.1.5.** The Town Manager shall have the discretion to request a meeting with the petitioner for the purpose of receiving clarification or further information concerning any matter contained in the petition.

**155.5.4.1.6.** If the Town Manager has not responded to the petition within fourteen (14) days of receiving the petition, a request for reconsideration shall be deemed to be denied by the Town Manager.

**155.5.4.1.7.** In the event the Town Manager denies the request set forth in the petition for reconsideration, the petitioner shall be entitled to have the decision of the Town Manager reviewed by the Municipal Court Judge of the Limon Municipal Court.

**155.5.4.1.7.1.** The request for review must be made by the petitioner by the filing of the petition for review with the Limon Municipal Court Clerk within fifteen (15) days of the denying of the petition by the Town Manager.

**155.5.4.1.7.2.** In this review, the Municipal Court Judge will be hearing the petition in a final administrative review capacity and not in a judicial appeal capacity.

**155.5.4.1.7.3.** The usual judicial rules of evidence shall not apply though the Municipal Judge may establish rules deemed to be appropriate for the efficient and thorough review of the matter.

**155.5.4.1.8.** The final administrative review hearing before the Limon Municipal Court Judge shall be held within thirty (30) days of the filing of the petition for review unless both parties agree to a longer period.

**155.5.4.1.9.** Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Lincoln County District Court within the time allowed by law.

**155.5.5. Wastewater Discharge Permit Modification.**

**155.5.5.1.** The Town Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

**155.5.5.1.1.** To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

**155.5.5.1.2.** To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

**155.5.5.1.3.** A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

**155.5.5.1.4.** Information indicating that the permitted discharge poses a threat to the Town of Limon's POTW, Town of Limon personnel, or the receiving waters;

**155.5.5.1.5.** Violation of any terms or conditions of the wastewater discharge permit;

**155.5.5.1.6.** Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

**155.5.5.1.7.** Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

**155.5.5.1.8.** To correct typographical or other errors in the wastewater discharge permit; or

**155.5.6. Wastewater Discharge Permit Transfer.**

**155.5.6.1.** Wastewater discharge permits shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or applied to different permits or to a new or changed operation without the approval of the Town Manager. Any succeeding owner or user shall also comply with the terms of the existing permit until a final decision is made by the Town Manager.

**155.5.6.2.** Notice of an assignment, transfer, sale, application to other permits or changed operation shall be submitted to the Town Manager for consideration within five (5) days of closing of the transaction.

**155.5.6.2.1.** Failure of the user and the proposed transferee to provide such notice may, in the discretion of the Town Manager, result denial of approval of the transfer.

**155.5.6.2.2.** The user shall, in event of any agreement for the sale of the user's business operation fully inform the proposed new owner or new user of the terms and conditions of the existing permit.

**155.5.6.2.3.** No liability shall attach to the Town or the Town Manager in the event that the Town Manager, or other of the Town Officers or employees, are contacted by the proposed new owner or new user with questions concerning the permit or Town requirements.

**155.5.6.2.4.** In such event, the Town Manager, or other Town Officers or employees, shall to the best of their ability, keep such communications confidential.

**155.5.6.3.** The notice to the Town Manager must include a written certification by the new owner or operator which:

**155.5.6.3.1.** States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

**155.5.6.3.2.** Identifies the specific date on which the transfer occurred; and

**155.5.6.3.3.** Acknowledges full responsibility for complying with the existing wastewater discharge permit.

**155.5.6.4.** Failure to provide notice of a transfer in accordance with Section **155.5.6.2.** shall render the permit transfer ineffective, and the transferring permit holder shall remain responsible for permit compliance until the proposed transfer is approved by the Town Manager.

**155.5.7. Wastewater Discharge Permit Revocation.**

**155.5.7.1.** The Town Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

**155.5.7.1.1.** Failure to notify the Town Manager of significant changes to the wastewater prior to the changed discharge;

**155.5.7.1.2.** Failure to provide prior notification to the Town Manager of changed conditions pursuant to Section **155.6.5.**;

**155.5.7.1.3.** Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

**155.5.7.1.4.** Falsifying self-monitoring reports;

**155.5.7.1.5.** Tampering with monitoring equipment;

**155.5.7.1.6.** Refusing to allow the Town Manager timely access to the facility premises and records;

**155.5.7.1.7.** Failure to meet effluent limitations;

**155.5.7.1.8.** Failure to pay fines;

**155.5.7.1.9.** Failure to pay sewer charges;

**155.5.7.1.10.** Failure to meet compliance schedules;

**155.5.7.1.11.** Failure to complete a wastewater survey or the wastewater discharge permit application;

**155.5.7.1.12.** Failure to provide notice of the transfer of business ownership of a permitted facility as required in Section **155.5.6.2.**; or

**155.5.7.1.13.** Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this code.

**155.5.7.2.** Wastewater discharge permits shall be voidable upon permanent cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

**155.5.8. Wastewater Discharge Permit Re-issuance.**

**155.5.8.1.** A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Section **155.4.5.**, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

**155.5.8.2.** Provided that a user submits a timely application for wastewater discharge permit reissuance as provided in the preceding paragraph, that user's existing wastewater discharge permit will continue to remain in effect and operate under its stated terms, until the new permit is either issued or denied. It shall not be a violation of this code for a user to continue discharging in compliance with an expired permit pending approval of a properly applied for new wastewater discharge permit.

**155.5.9. Regulation of Waste Received from Other Jurisdictions. [RESERVED]**

**155.6. Reporting Requirements.**

**155.6.1. Baseline Monitoring Reports.**

**155.6.1.1.** Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 4036(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Town Manager a report which contains the information listed in section **155.6.1.2.** At

least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to Town Manager a report which contains the information listed in section **155.6.2**. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

**155.6.1.2.** Users described above shall submit the information set forth below.

**155.6.1.2.1.** Identifying Information. The name and address of the facility, including the name of the operator and owner.

**155.6.1.2.2.** Environmental Permits. A list of any environmental control permits held by or for the facility.

**155.6.1.2.3.** Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

**155.6.1.2.4.** Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

**155.6.1.2.5. Measurement of Pollutants.**

**155.6.1.2.5.1.** The categorical pretreatment standards shall be applicable to each regulated process.

**155.6.1.2.5.2.** The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Town Manager, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section **155.6.10**.

**155.6.1.2.5.3.** Sampling must be performed in accordance with procedures set out in Section **155.6.11**.

**155.6.1.2.6.** Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

**155.6.1.2.7.** Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in **Section 155.6.2**.

**155.6.1.2.8.** Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section **155.4.6**.

**155.6.2. Compliance Schedule Progress Reports.**

**155.6.2.1.** The following conditions shall apply to the compliance schedule required by Section **155.6.1.2.7**:

**155.6.2.1.1.** The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

**155.6.2.1.2.** No increment referred to above shall exceed nine (9) months;

**155.6.2.1.3.** The user shall submit a progress report to the Town Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

**155.6.2.1.4.** In no event shall more than nine (9) months elapse between such progress reports to the Town Manager.

**155.6.3. Reports on Compliance with Categorical Pretreatment Standard Deadline.** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town Manager a report containing the information described in Sections **155.6.1.2.4.** through **155.1.2.6.** For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section **155.4.6.**

**155.6.4. Periodic Compliance Reports.**

**155.6.4.1.** All significant industrial users shall, at a frequency determined by the Town Manager, but in no case less than indicated in the chart below:

**SELF-MONITORING FREQUENCY**

GALLONS PER DAY	FREQUENCY
1 – 10,000	Once per month
10,000 – 50,000	Twice per month
50,000 – 100,000	Once per week
100,000 – 250,000	Twice per week
Over 250,000	Three times per week

**155.6.4.2.** Industrial users shall submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section **155.4.6.**

**155.6.4.3.** All wastewater samples must be representative of the user's discharge. Wastewater

monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

**155.6.4.4.** If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town Manager, using the procedures prescribed in Section **155.6.11.**, the results of this monitoring shall be included in the report.

**155.6.5. Reports of Changed Conditions.** Each user must notify the Town Manager of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

**155.6.5.1.** The Town Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a discharge permit application under Section **155.4.5.**

**155.6.5.2.** The Town Manager may issue a wastewater discharge permit under Section **155.4.7.** or modify an existing wastewater discharge permit under Section **155.5.4.** in response to changed conditions or anticipated changed conditions.

**155.6.5.3.** For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

**155.6.6. Reports of Potential Problems.**

**155.6.6.1.** In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such discharge, the user shall, unless waived by the Town Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to

person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

**155.6.6.2.** A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in section **155.6.6.1**. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

**155.6.7. Reports from Un-permitted Users.** All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town Manager as the Town Manager may require.

**155.6.8. Notice of Violation/Repeat Sampling and Reporting.** If sampling performed by a user indicates a violation, the user must notify the Town Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town Manager within fifteen (15) days after becoming aware of the violation.

**155.6.9. Notification of the Discharge of Hazardous Waste.**

**155.6.9.1.** Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and Colorado Department of Public Health and Environment, Hazardous Materials and Waste Division Director, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged.

However, notifications of changed conditions must be submitted under Section **155.6.5**. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections **155.6.1.**, **155.6.3.**, and **155.6.4.**

**155.6.9.2.** In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Town Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

**155.6.9.3.** In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

**155.6.9.4.** This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this code, a permit issued thereunder, or any applicable Federal or State law.

**155.6.10. Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standards. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

**155.6.11. Sample Collection.**

**155.6.11.1.** Except as indicated in Section **155.6.11.2.**, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Town Manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

**155.6.11.2.** Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile

organic compounds must be obtained using grab collection techniques.

**155.6.12. Timing.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**155.6.13. Record Keeping.** Users subject to the reporting requirements of this code shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this code and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation between the user and the Town of Limon, or where the user has been specifically notified of a longer retention period by the Town Manager.

**155.7. Compliance Monitoring.**

**155.7.1. Right of Entry: Inspection and Sampling.**

**155.7.1.1.** The Town Manager or designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this code and any wastewater discharge permit or order issued hereunder. Users shall allow the Town Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties; or as described in CRS.

**155.7.1.1.1.** Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.

**155.7.1.1.2.** The Town Manager shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.

**155.7.1.1.3.** The Town Manager may require the user to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy or documentation provided that demonstrates calibration accuracy.

**155.7.1.1.4.** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town Manager and shall not be replaced. The costs of clearing such access shall be born by the user.

**155.7.1.1.5.** Unreasonable delays in allowing the Town Manager access to the user’s premises shall be a violation of this code.

**155.7.1.2.** The Town Manager shall perform sampling on each significant industrial user facility no less frequently than indicated on the chart in the following column:

**MONITORING FREQUENCY**

GALLONS PER DAY	FREQUENCY
1 – 10,000	Once every three months
10,000 – 50,000	Twice every three months
50,000 – 100,000	Once per month
100,000 – 250,000	Twice per month
Over 250,000	Three times per month

**155.7.1.3. Annual Evaluation.** The Town Manager shall, on an annual basis, complete a full evaluation of each facility of any significant industrial user.

**155.7.2. Search Warrants.** If the Town Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this code, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town of Limon designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town Manager may seek issuance of a search warrant from the

Municipal Court of the Town of Limon or other court of competent jurisdiction.

**155.8. Confidential Information.** Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Town Manager’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

**155.9. Publication of Users in Significant Noncompliance.**

**155.9.1.** The Town Manager shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

**155.9.1.1.** Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

**155.9.1.2.** Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

**155.9.1.3.** Any other discharge violation that the Town Manager believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

**155.9.1.4.** Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town Manager’s exercise of its emergency authority to halt or prevent such a discharge;

**155.9.1.5.** Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

**155.9.1.6.** Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

**155.9.1.7.** Failure to accurately report noncompliance for which a Notice of Violation has been issued; or

**155.9.1.8.** Any other violation(s) for which a Notice of Violation has been issued which the Town Manager determines will adversely affect the operation or implementation of the local pretreatment program.

**155.10. Administrative Enforcement Remedies.**

**155.10.1. Notification of Violation.**

**155.10.1.1.** When the Town Manager finds that a user has violated, or continues to violate, any provision of this code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may serve upon that user a written Notice of Violation. Within twenty (20) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Town Manager.

**155.10.1.2.** Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Town Manager to take any action, including emergency actions

or any other enforcement action, without first issuing a Notice of Violation.

**155.10.2. Consent Orders.** The Town Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections **155.10.4.** and **155.10.5.** and shall be judicially enforceable.

**155.10.3. Show Cause Hearing.** The Town Manager may order a user which has violated, or continues to violate, any provision of this code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Town Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**155.10.4. Compliance Orders.** When the Town Manager finds that a user has violated, or continues to violate, any provision of this code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar

against, or a prerequisite for, taking any other action against the user.

**155.10.5. Cease and Desist Orders.**

**155.10.5.1.** When the Town Manager finds that a user has violated, or continues to violate, any provision of this code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Town Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

**155.10.5.1.1.** Immediately comply with all requirements; and

**155.10.5.1.2.** Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

**155.10.5.2.** Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**155.10.6. Administrative Penalties.**

**155.106.1.** When the Town Manager finds that a user has violated, or continues to violate, any provision of this code, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may fine such user in an amount not to exceed \$25,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

**155.10.6.2.** Unpaid charges, fines, and penalties shall be collected as provided for in the Municipal Code of the Town of Limon, Section **134.**

**155.10.6.3.** Users desiring to dispute such administrative penalties and costs may request a review through the petition process described in Section **155.5.4.** The Town Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, as well as the cost of the administrative review, if the user is unsuccessful, to the penalty.

**155.10.6.4.** Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

**155.10.7. Emergency Suspension.**

**155.10.7.1.** The Town Manager may immediately suspend a user’s discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Town Manager may also immediately suspend a user’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

**155.10.7.1.1.** Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user’s failure to immediately comply voluntarily with the suspension order, the Town Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Town Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town Manager that the period of endangerment has passed, unless the termination proceedings in Section **155.10.8.** are initiated against the user.

**155.10.7.1.2.** A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Town Manager prior to the date of any show cause or termination hearing under Sections **155.10.3.** or **155.10.8.**

**155.10.7.2.** Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

**155.10.8. Termination of Discharge.**

**155.10.8.1.** In addition to the provisions in Section **155.5.6.**, any user who violates the following conditions is subject to discharge termination:

**155.10.8.1.1.** Violation of wastewater discharge permit conditions;

**155.10.8.1.2.** Failure to accurately report the wastewater constituents and characteristics of its discharge;

**155.10.8.1.3.** Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

**155.10.8.1.4.** Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling; or

**155.10.8.1.5.** Violation of the pretreatment standards in Section **155.2.**

**155.10.8.2.** Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section **155.10.3.** why the proposed action should not be taken. Exercise of this option by the Town Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

**155.11. Judicial Enforcement Remedies.**

**155.11.1. Injunctive Relief.** When the Town Manager finds that a user has violated, or continues to violate, any provision of this code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may petition the Municipal Court of the Town of Limon or any court of competent jurisdiction through the Town of Limon’s Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Town Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**155.11.2. Civil Penalties.**

**155.11.2.1.** A user who has violated, or continues to violate, any provision of this code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town of Limon for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

**155.11.2.2.** The Town Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town of Limon.

**155.11.2.3.** In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

**155.11.2.4.** Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

**155.11.3. Criminal Prosecution.**

**155.11.3.1.** A user who willfully or negligently violates any provision of this code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$25,000 per violation, per day.

**155.11.3.2.** A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than \$25,000. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

**155.11.3.3.** A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this code, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, per day.

**155.11.4. Remedies Nonexclusive.** The remedies provided for in this code are not exclusive. The Town Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town of Limon's enforcement response plan. However, the Town Manager may take other action against any user when the circumstances warrant.

Further, the Town Manager is empowered to take more than one enforcement action against any noncompliant user.

**155.12. Supplement Enforcement Action.**

**155.12.1. Performance Bonds.** The Town Manager may decline to issue or reissue a wastewater discharge permit to any user who the Town Manager determines may result in required long term cleanup efforts beyond the term of the discharge unless such user first files a satisfactory bond, payable to the Town of Limon, in a sum not to exceed a value determined by the Town Manager to be necessary to achieve consistent compliance.

**155.12.2. Water Supply Severance.** Whenever a user has violated or continues to violate any provision of this code, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed upon a determination by the Town Manager that the user is unable or unwilling to comply with this code. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability and willingness to comply.

**155.12.3. Informant Rewards.** The Town Manager may pay up to fifty dollars (\$50) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative penalty levied against the user, the Town Manager may disburse up to five percent (5%) of the collected line or penalty to the informant. However, a single reward payment may not exceed one thousand dollars (\$1,000).

**155.13. Affirmative Defenses to Discharge Violations.**

**155.13.1. Upset.**

**155.13.1.1.** For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**155.13.1.2.** An upset shall constitute an affirmative defense to an action brought for

noncompliance with pretreatment standards if the requirements of section 155.13.1.3., are met.

**155.13.1.3.** A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

**155.13.1.3.1.** An upset occurred and the user can identify the cause(s) of the upset;

**155.13.1.3.2.** The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

**155.13.1.3.3.** The user has submitted the following information to the Town Manager within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:

**155.13.1.3.3.1.** A description of the indirect discharge and cause of noncompliance;

**155.13.1.3.3.2.** The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

**155.13.1.3.3.3.** Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

**155.13.1.3.4.** In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

**155.13.1.3.5.** Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

**155.13.1.3.6.** Users shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**155.13.2. Prohibited Discharge Standards.**

**155.13.2.1.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 155.2.1.1. or the specific prohibitions in Sections 155.2.1.2.3. through 155.2.1.2.17. if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

**155.13.2.1.1.** A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

**155.13.2.1.2.** No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town of Limon was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**155.13.3. Bypass.**

**155.13.3.1.** For the purposes of section 155.13.3.:

**155.13.3.1.1.** "Bypass": the intentional diversion of waste streams from any portion of a user's treatment facility.

**155.13.3.1.2.** "Severe property damage": substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**155.13.3.1.3.** A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

**155.13.3.1.3.1.** If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town Manager, at least ten (10) days before the date of the bypass, if possible.

**155.13.3.1.3.1.1.** A user shall submit oral notice to the Town Manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours

from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Town Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

**155.13.3.1.3.2.** Bypass is prohibited, and the Town Manager may take an enforcement action against a user for a bypass, unless

**155.13.3.1.3.2.1.** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

**155.13.3.1.3.2.2.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

**155.13.3.1.3.2.3.** The user submitted notices as required under section **155.13.3.1.3.1.1.**

**155.13.3.1.4.** The Town Manager may approve anticipated bypass, after considering its adverse effects, if the Town Manager determines that it will meet the three conditions listed in section **155.13.3.1.3.2.**

**155.14. Annual Discharge Permit Fees.**

**155.14.1.** Industrial dischargers subject to categorical effluent standards discharging to publicly owned treatment works with pretreatment programs (not including categorical industries subject to zero discharge standards) shall annually pay the following amounts:

**155.14.1.1.** Subcategory 1: Less than 10,000 gallons per day: \$ 600

**155.14.1.2.** Subcategory 2: 10,000 to 50,000 gallons per day: \$ 900

**155.14.1.3.** Subcategory 3: Greater than 50,000 gallons per day: \$ 1,200

**155.14.2.** All other significant industrial dischargers discharging to publicly owned treatment works with pretreatment programs (including categorical industries subject to zero discharge standards) shall annually pay the following amounts:

**155.14.2.1.** Subcategory 1: Less than 10,000 gallons per day: \$ 150

**155.14.2.2.** Subcategory 2: 10,000 to 50,000 gallons per day: \$ 300

**155.14.2.3.** Subcategory 3: Greater than 50,000 gallons per day: \$ 400

**155.14.3.** All significant industrial users shall be billed for the cost of each monitoring sample completed by the Town of Limon as required by Section **155.7.1.2.**

**155.15. Miscellaneous Provisions.**

**155.15.1. Pretreatment Charges and Fees**

**155.15.1.1.** The Town of Limon may adopt reasonable fees for reimbursement of costs of setting up and operating Town of Limon’s Pretreatment Program which may include:

**155.15.1.1.1.** Fees for wastewater discharge permit applications including the cost of processing such applications;

**155.15.1.1.2.** Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user’s discharge, and reviewing monitoring reports submitted by users;

**155.15.1.1.3.** Fees for reviewing and responding to accidental discharge procedures and construction;

**155.15.1.1.4.** Fees for filing appeals; and

**155.15.1.1.4.1.** Other fees as the Town of Limon may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this code and are separate from all other fees, fines, and penalties chargeable by the Town of Limon.



**160 - Finance**

**161 - Municipal Contracts, Purchases, Conveyances**

(Amended March 3, 2005 by Ordinance No. 500.)

**161.1. CONTRACTORS' BONDS.** Any person or persons, company or companies, firm or firms, corporation or corporations entering into a contract with the Town of Limon for the construction of any public building or the prosecution or completion of any public work, or for repairs upon any public building or public work, shall be required before commencing work, to execute, in addition to all bonds that may now or hereafter be required of them, a penal bond pursuant to the requirements of Colorado Revised Statutes 38-26-105, with good and sufficient surety or sureties, to be approved by the Town Manager of the Town of Limon, conditioned that such contractor or contractors shall promptly make payments of all amounts lawfully due to all persons supplying or furnishing him or them, or his or their contractor or subcontractors with labor or materials, used or performed in the prosecution of the work provided for in such contract, and will indemnify the Town of Limon to the extent of any and all payments in connection with the carrying out of such contracts which said Town of Limon may be required to make under the law.

**161.2. PUBLICATION OF LEGAL NOTICES.** Ordinances and other legal notices of the Town of Limon shall be published in the official newspaper of record of the Town of Limon.

**161.3. PURCHASES OF THE TOWN OF LIMON.** Purchases by the Town of Limon shall be governed by the Purchasing Policy of the Town of Limon which must be approved and/or amended by Resolution of the Board of Trustees.



**162 - Budget**

**162.1. Budget Required.** The Town of Limon is required to prepare an annual budget in accordance with the statutes of the State of Colorado.

**162.2. Annual Appropriation Bill.** Pursuant to statute, the Board of Trustees of Limon shall within the last quarter of each fiscal year pass an ordinance to be termed the Annual Appropriation Bill for the next fiscal year.

**162.3. Nature and Scope of Budget.** Pursuant to statute, the budget for the Town of Limon, being a local government, shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, boards, commissions and institutions, including publicly owned or operated utilities and enterprises; the actual or estimated operating deficits from prior years; all interest and debt redemption charges during the budget year; expenditures for capital projects to be undertaken or executed during the budget year. In addition thereto, the budget shall set forth the anticipated income and other means of financing the proposed expenditures for the fiscal year.



**163 - Depository for Funds of the Town of Limon**

**163.1.** The official depository for the Town of Limon shall be such bank or banks as may from time to time be determined by the Town Clerk and Town Manager after comparison of interest paid and desired services offered.

(Amended on November 6, 2014 by Ordinance No 577)



**164 - Reserved**

HISTORY: Cigarette tax under 1958 Code; Amended October 5, 1972 by Ordinance No. 223; Repealed June 7, 1973 by Ordinance No. 227



## 165 – Use of Public Right-of-Way

(Entire Section added by Ordinance No. 503 on July 7, 2005; Amended on November 6, 2014 by Ordinance No. 577)

### 165.1. Purpose and Objectives.

**165.1.1. Purpose.** This ordinance provides principles, procedures and associated funding for the placement of Structures and Facilities, construction excavation encroachments and work activities within or upon any public right of way, and to protect the integrity of the road system. To achieve these purposes, it is necessary to require permits of private users of the public rights of way, to establish permit procedures and to fix and collect fees and charges.

**165.1.2. Objectives.** Public and private uses of public rights of way for location of Facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the Town must insure that the primary purpose of the right of way, passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, roadways, facilities and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the right of way corridors by other users is secondary to these public objectives, and the movement of traffic. This code is intended to strike a balance between the public need for efficient, safe transportation routes and the use of rights of way for location of Facilities by public and private entities. It thus has several objectives:

**165.1.3.** To ensure that the public safety is maintained and that public inconvenience is minimized.

**165.1.4.** To protect the Town's infrastructure investment by establishing repair standards for the pavement, facilities, and property in the public rights of way, when work is accomplished.

**165.1.5.** To facilitate work within the rights of way through the standardization of regulations.

**165.1.6.** To maintain an efficient permit process.

**165.1.7.** To conserve and fairly apportion the limited physical capacity of the public rights of way held in public trust by the Town.

**165.1.8.** To establish a public policy for enabling the Town to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development.

**165.1.9.** To promote cooperation among the Permittees (as defined herein) and the Town in the occupation of the public rights of way, and work therein, in order to (i) eliminate duplication that is wasteful, unnecessary or unsightly, (ii) lower the Permittee's and the Town's costs of providing services to the public, and (iii) minimize street cuts.

**165.1.10.** To assure that the Town can continue to fairly and responsibly protect the public health, safety, and welfare.

**165.2. Definitions.** For the purpose of section 165 the following words shall have the following meanings:

**165.2.1. Access Vault:** any structure containing one or more ducts, conduits, manholes, handhole or other such facilities in Permittee's facilities.

**165.2.2. Appurtenances:** transformers, switching boxes, gas regulator stations, terminal boxes, meter cabinets, pedestals, junction boxes, handholes substations, system amplifiers, power supplies, pump stations, manholes, valves and valve housings and other devices that are necessary to the function of electric, communications, cable television, water, sewer, storm water, natural gas and other utilities and services.

**165.2.3. Town:** the Town of Limon, Colorado.

**165.2.4. Contractor:** a person, partnership, corporation, or other legal entity who undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate, or add to any improvements covered by this code, that requires work, workers, and/or equipment to be in the Public Right of Way in the process of performing the above named operations.

**165.2.5. Degradation:** a decrease in the useful life of the right of way or damage to any landscaping within the rights of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct the surface and/or subsurface structure of such right of way earlier than would be required if the excavation or disturbance did not occur.

**165.2.6. Developer:** the person, partnership, corporation, or other legal entity who is improving a parcel of land within the Town and who is legally responsible to the Town for the construction of improvements within a subdivision or as a condition of a building permit.]

**165.2.7. Director:** the Town Manager of the Town or his/her authorized representative.

**165.2.8. Duct or Conduit:** a single enclosed raceway for cables, fiber optics or other wires, or a pipe or canal used to convey fluids or gases.

**165.2.9. Emergency:** any event which may threaten public health or safety, or that results in an interruption in the provision of services, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged electrical and communications facilities, and advanced notice of needed repairs is impracticable under the circumstances.

**165.2.10. Excavate:** to dig into or in any way remove or penetrate any part of a right of way.

**165.2.11. Facilities:** including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, street lights, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing utility and other services.

**165.2.12. Fence:** any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected to enclose partition, beautify, mark, or screen areas of land.

**165.2.13. Infrastructure:** any public facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and structures, streets, alleys, traffic signal poles and appurtenances, conduits, signs, landscape improvements, sidewalks, and public safety equipment.

**165.2.14. Landscaping:** materials, including without limitation, grass, ground cover, shrubs, vines, hedges, or trees and non-living natural materials commonly used in landscape development, as well as attendant irrigation systems.

**165.2.15. Permit:** any authorization for use of the public rights of way granted in accordance with the terms of this ordinance, and the laws and policies of the Town.

**165.2.16. Permittee:** the holder of a valid Permit issued pursuant to section 165.

**165.2.17. Person:** any person, firm, partnership, special, metropolitan, or general district, association, corporation, company, or organization of any kind.

**165.2.18. Public Right of Way or Right of Way or Public Way:** any public street, way, place, alley, sidewalk, easement, park, square, plaza, and Town-owned right of way dedicated to public use.

**165.2.19. Routine Maintenance:** any above ground activity that does not affect the surface of the right-of-way nor affects the use of the right-of-way.

**165.2.20. Specifications:** engineering regulations, construction specifications, and design standards adopted by the Town.

**165.2.21. Structure:** anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies, and canopies.

**165.2.22. Surplus Ducts or Conduits:** are Conduits or Ducts other than those occupied by Permittee or any prior Permittee, or unoccupied Ducts held by Permittee as emergency use spares, or other unoccupied Ducts that Permittee reasonably expects to use within three (3) years from the date of a request for use.

**165.2.23. Work:** any labor performed on, or any use or storage of equipment or materials, including but not limited to, construction of streets and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, bus shelters, bus loading pads, street lights, and traffic signal devices. It shall also mean construction, maintenance, and repair of all underground structures such as pipes, conduit, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar structure located below surface, and installation of overhead poles used for any purpose.

**165.3. Police Powers.** The Permittee's rights hereunder are subject to the police powers of the Town, which include the power to adopt and enforce codes and/or ordinances, including amendments to this code, necessary to the safety, health, and welfare of the public. The Permittee shall comply with all applicable laws, codes and ordinances enacted, or hereafter enacted, by

the Town or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The Town reserves the right to exercise its police powers, notwithstanding anything in this code and the Permit to the contrary. Any conflict between the provisions of the code, ordinances or the Permit and any other present or future lawful exercise of the Town's police powers shall be resolved in favor of the latter.

**165.4. Permit Required.**

**165.4.1.** No person except an employee or official of the Town or a person exempted by contract with the Town shall undertake or permit to be undertaken any construction, excavation, or Work in the public rights of way without first obtaining a Permit from the Town as set forth in section 165, except as provided in section 165.4.2. and in Section 165.22. Each Permit obtained, along with associated documents, shall be maintained on the job site and available for inspection upon request by any officer or employee of the Town.

**165.4.2.** Work in State of Colorado highway right-of-way shall be exempt from this requirement.

**165.4.3. Construction, Excavation or Work Area.**

No Permittee shall perform construction, excavation, or Work in an area larger or at a location different, or for a longer period of time than that specified in the Permit or Permit application. If, after construction, excavation, or Work is commenced under an approved Permit, it becomes necessary to perform construction, excavation, or Work in a larger or different area than originally requested under the application or for a longer period of time, the Permittee shall notify the Director immediately and within twenty-four hours shall file a supplementary application for the additional construction, excavation, or Work.

**165.4.4. Permit Transferability or Assignability.**

The applicant may subcontract the Work to be performed under a Permit provided that the Permittee shall be and remain responsible for the performance of the Work under the Permit and all insurance and financial security as required. Permits are transferable and assignable if the transferee or assignee posts all required security pursuant to this code and agrees to be bound by all requirements of the Permit and this code.

**165.4.5. Developer Ownership of Public Infrastructure.** In Town, the physical construction of public infrastructure in new developments is the responsibility of the developer of the land. Ownership of that infrastructure remains with the developer of the land until acceptance by the Town. Any Developer of land where Work is undertaken on infrastructure that is within

a Public Right of Way, but prior to acceptance by the Town, shall obtain a Permit from the Town. The Town will not accept public infrastructure improvements, where Work performed is not in accordance with applicable Town specifications and applicable provisions of section 165.

**165.4.6.** Any person or utility found to be conducting any excavation activity within the public right of way without having first obtained the required Permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a Permit before Work may be restarted. A surcharge to be set by Board of Trustees resolution shall be required in addition to all applicable Permit fees.

**165.5. Permit Application – Permit Contents.**

**165.5.1.** An applicant for a Permit to allow construction, excavation, or Work in the public right of way under this section shall:

**165.5.1.1.** File a written application on forms furnished by the Town which include the following: the date of application; the name and address of the applicant; the name and address of the developer, contractor or subcontractor licensed to perform Work in the public right of way; the exact location of the proposed construction, excavation or Work activity; the type of existing public infrastructure (street pavement, curb and gutter, sidewalks or utilities) impacted by the construction, excavation or Work; the purpose of the proposed construction, excavation or Work; the dates for beginning and ending the proposed construction, excavation or Work; proposed hours of Work; itemization of the total cost of restoration, based upon R.S. Means Estimating Standards or at the discretion of the Director, other published street repair cost estimating standards; and type of Work proposed.

**165.5.1.2.** Include an affirmative statement that the applicant or its contractor is not delinquent in payments due the Town on prior Work.

**165.5.1.3.** Attach copies of all Permits or licenses (including required insurance, deposits, bonding, and warranties) required to do the proposed Work, and to Work in the public rights of way, if licenses or Permits are required under the laws of the United States, the State of Colorado, or codes, ordinances or regulations of the Town. If relevant permits or licenses have been applied for but not yet received, provide a written statement so indicating. Copies of any such permits or licenses shall be provided to the Town within forty-eight (48) hours after receipt.

**165.5.1.4.** Provide a satisfactory plan of Work acceptable to the Director showing protection of the subject property and adjacent properties.

**165.5.1.5.** Provide a satisfactory plan for the protection of existing landscaping acceptable to the Director, when the Town determines that damage may occur.

**165.5.1.6.** Include a signed statement verifying that all orders issued by the Town to the applicant, requiring the applicant to correct deficiencies under previous Permits issued under this code, have been satisfied. This verification shall not apply to outstanding claims that are honestly and reasonably disputed claims by the applicant, if the applicant and the Town are negotiating in good faith to resolve the dispute.

**165.5.1.7.** Include with the application engineering construction drawings or site plans for the proposed construction, excavation, or Work.

**165.5.1.8.** Include with the application a satisfactory traffic control, stormwater management and erosion protection plan for the proposed construction, excavation, or Work.

**165.5.1.9.** Include a statement indicating any proposed joint use or ownership of the Facility; any known existing Facility or Permit of the applicant at this location; any known existing Facility of others with which the proposed installations might conflict; and the name, address and telephone number of a representative of the applicant available to review proposed locations at the site.

**165.5.1.10.** Pay the fees prescribed by this code.

**165.5.2.** Applicants shall update any new information on Permit applications within ten (10) days after any material change occurs.

**165.5.3.** Joint Applications. Applicants may apply jointly for Permits to Work in public rights of way at the same time and place. Applicants who apply jointly for Permits may share in the payment of the Permit fee. Applicants must agree among themselves as to the portion each shall pay.

**165.6. Permit Fee.**

**165.6.1.** Before a Permit is issued pursuant to this code, the applicant shall pay to the Town a Permit fee, which shall be determined in accordance with a fee schedule adopted by the Board of Trustees by resolution.

Fees will be reasonably related to the costs inherent in managing the public rights of way. As used in section **165**, these costs include, but are not necessarily limited to, the costs of permitting rights of way occupants, verifying rights of way occupation, mapping rights of way occupations, inspecting job sites and rights of way restorations, administering section **165**, and costs incurred by the Town relating to the degradation of the rights of way, i.e., the cost to achieve a level of restoration as determined by the Town at the time the Permit is issued.

**165.6.2.** The portion of the Permit fee relating to degradation/restoration costs shall be reduced by the Town in cases where the applicant demonstrates to the satisfaction of the Director that the excavation proposed will be used by two or more entities, legally and financially unrelated, for the installation, maintenance or repair of Facilities.

**165.6.3.** Any Permit for temporary use or occupation of the public rights of way, where there is no construction involved, shall not require payment of a degradation fee as part of the Permit fee.

**165.6.4.** An applicant may avoid the imposition of a degradation/restoration fee if it agrees to perform the required restoration of the public right-of-way to the Town's standards. The applicant shall decide at the time of application whether the applicant will perform the required restoration, and the applicant's decision shall be final.

**165.6.4.1.** In the roadway, the disturbed pavement area will be removed and the subgrade will be scarified and recompacted.

**165.6.4.2.** A minimum of twelve (111 feet wide of pavement will be removed and the subgrade will be scarified and recompacted if the necessary removal is in excess of five (5) feet wide and the overall length exceeds forty (40) feet.

**165.6.4.3.** For cuts in gravel roadways the subbase must be scarified and recompacted and dressed with a minimum of four (4) inches of suitable road base material.

**165.6.5.** That portion of any Permit fee relating to degradation/restoration costs shall be segregated by the Town into an account to cover general street maintenance and construction.

**165.7. Insurance and Indemnification.**

**165.7.1.** Unless otherwise specified in a franchise agreement between the Permittee and the Town, prior to the granting of any Permit, the Permittee shall file with the Town an insurance policy or certificate in a form satisfactory to the Town with coverage as follows:

**165.7.1.1.** The Permittee shall carry and maintain in full effect at all times a commercial general liability policy, including broad form property damage, completed operations contractual liability, explosion hazard, collapse hazard, underground property damage hazard, commonly known as XCU, for limits not less than one million dollars (\$1,000,000.00) each occurrence for damages of bodily injury or death to one or more persons; and five hundred thousand dollars (\$500,000.00) each occurrence for damage to or destruction of property.

**165.7.1.2.** Workers compensation insurance as required by State law.

**165.7.1.3.** Town departments shall be relieved of the obligation of submitting a certificate of insurance.

**165.7.2.** Whenever any person has filed with the Town evidence of insurance as required, any additional or subsequent Permit holder in the employ of said initial person may, at the discretion of the Town, be excused from depositing or filing any additional evidence of insurance if such employee is fully covered by the Permittee's insurance policy.

**165.7.3.** Each Permittee shall construct, maintain, and operate its facilities in a manner which provides protection against injury or damage to persons or property.

**165.7.3.1.** The Permittee, for itself and its related entities, agents, employees, subcontractors, and the agents and employees of said subcontractors, shall save the Town harmless, defend, and indemnify the Town, its successors, assigns, officers, employees, agents, and appointed and elected officials from and against all liability or damage and all claims or demands whatsoever in nature unless caused by the negligent or intentional acts of the Town, and reimburse the Town for all its reasonable expenses, as incurred, arising out of the installation, maintenance, operation or any other Work or activity in the public right of way or by the Permittee related to its use thereof, including, but not limited to, the actions of the Permittee, its employees, agents, contractors, related entities, successors and assigns, or the securing of and the exercise by the

Permittee of the Permit rights granted in the Permit, including any third party claims, administrative hearings, and litigation; whether or not any act or omission complained of is authorized, allowed, or prohibited by this code or other applicable law.

**165.7.3.2.** The terms of each contract awarded by the Permittee for activities pursuant to a Permit shall contain indemnity provisions whereby the contractor shall indemnify the Town to the same extent as described above.

**165.7.3.3.** Following the receipt of written notification of any claim the Permittee shall have the right to defend the Town with regard to all third party actions, damages and penalties arising in any way out of the exercise of any rights in the Permit. If at any time, however, Permittee refuses to defend, and the Town elects to defend itself with regard to such matters, the Permittee shall pay all reasonable expenses incurred by the Town related to its defense.

**165.7.3.4.** In the event the Town institutes litigation against the Permittee for a breach of the Permit or for an interpretation of this code and the Town is the prevailing party, the Permittee shall reimburse the Town for all costs related hereto, including reasonable attorney's fees. The Permittee shall not be obligated to hold harmless or indemnify the Town for claims or demands to the extent that they are due to the negligence, or any intentional and/or willful acts of the Town or any of its officers, employees, or agents.

**165.7.3.5.** In the event the Permittee is a public entity, the indemnification requirements of this section shall be subject to the provisions of the Colorado Governmental Immunity Act.

**165.8. Performance Bond/Letter of Credit.**

**165.8.1.** Before any Permit required by section 165 shall be issued to an applicant, the applicant shall file with the Director a bond or letter of credit in favor of the Town in an amount equal to the total cost of construction, including labor and materials, or five thousand dollars, whichever is greater. The bond or letter of credit shall be executed by the applicant as principal and by at least one surety upon whom service of process may be had in the state. The bond or letter of credit shall be conditioned upon the applicant fully complying with all provisions of Town codes, ordinances, rules and regulations, and upon payment of all judgments and costs rendered against the applicant for any material violation of Town codes, ordinances or state statutes that may be recovered against the applicant by any person for

damages arising out of any negligent or wrongful acts of the applicant in the performance of Work done pursuant to the Permit. The Town may bring an action on the bond or letter of credit on its own behalf or on behalf of any person so aggrieved as beneficiary. The bond or letter of credit must be approved by the Town's Town Manager as to form and as to the responsibility of the surety thereon prior to the issuance of the Permit. However, the Town may waive the requirements of any such bond or letter of credit or may permit the applicant to post a bond without surety thereon upon finding that the applicant has financial stability and assets located in the state to satisfy any claims intended to be protected against the security required by section 165.8.

**165.8.2.** A letter of responsibility will be accepted in lieu of a performance bond or letter of credit from all public utilities, and all franchised entities operating within the Town.

**165.8.3.** The performance bond, letter of credit or letter of responsibility shall remain in force and effect for a minimum of three years after completion and acceptance of the street cut, excavation or lane closure.

**165.9. Performance Warranty/Guarantee.**

**165.9.1.** Any warranty made hereunder shall serve as security for the performance of Work necessary to repair the public right of way if the Permittee fails to make the necessary repairs or to complete the Work under the Permit.

**165.9.2.** The Permittee, by acceptance of the Permit, expressly warrants and guarantees complete performance of the Work in a manner acceptable to the Town and warrants and guarantees all work done for a period of two (2) years after the date of probationary acceptance, and agrees to maintain upon demand and to make all necessary repairs during the two (2) year period. This warranty shall include all repairs and actions needed as a result of:

**165.9.2.1.** Defects in Workmanship.

**165.9.2.2.** Settling of fills or excavations.

**165.9.2.3.** Any unauthorized deviations from the approved plans and specifications.

**165.9.2.4.** Failure to barricade.

**165.9.2.5.** Failure to clean up during and after performance of the Work.

**165.9.2.6.** Any other violation of section 165 or the codes or ordinances of the Town.

**165.9.3.** The two (2) year warranty period shall run from the date of the Town's probationary acceptance of the Work. If repairs are required during the three (3) year warranty period, those repairs need only be warranted until the end of the initial two (2) year period starting with the date of probationary acceptance. It is not necessary that a new two (2) year warranty be provided for subsequent repairs after probationary acceptance.

**165.9.4.** At any time prior to completion of the two (2) year warranty period, the Town may notify the Permittee in writing of any needed repairs. Such repairs shall be completed within twenty four (24) hours if the defects are determined by the Town to be an imminent danger to the public health, safety and welfare. Non-emergency repairs shall be completed within thirty (30) calendar days after notice.

**165.9.5.** The warranty described in section 165.9 shall cover only those areas of work undertaken by a Permittee, and not directly impacted by the work of any other Permittee or the Town. In the event that a portion of work warranted by Permittee is subsequently impacted by work of another Permittee or the Town during the warranty period, that other Permittee or the Town shall assume responsibility for repair to the subsequently impacted section of right of way.

**165.10. Inspections.** A minimum of three inspections shall take place. First, the Permittee shall request that the Town conduct a pre-construction inspection, to determine any necessary conditions for the Permit. Second, the Permittee shall notify the Town immediately after completion of Work operations. The Town shall inspect the completed Work within twenty one (21) days of Permittee's notification. Probationary acceptance will be made if all Work meets Town and Permit standards. Third, approximately thirty days prior to the expiration of the two-year guarantee, the Town shall conduct a final inspection of the completed Work. If the Work is still satisfactory the bond or letter of credit shall be returned or allowed to expire, with a letter of final acceptance, less any amounts needed to complete Work not done by Permittee. Upon review of the application for a Permit, the Director shall determine how many additional inspections, if any, may be required. For Work that does not involve material disturbance in the rights of way, the Director shall waive the final inspection and the performance bond/letter of credit.

**165.11. Public Safety.** The Permittee shall maintain a safe Work area, free of safety hazards. The Town may

make any repair necessary to eliminate any safety hazards not performed as directed. Any such Work performed by the Town shall be completed and billed to the Permittee at overtime rates. The Permittee shall pay all such charges within 30 days of the statement date. If the Permittee fails to pay such charges within the prescribed time period, the Town may, in addition to taking other collection remedies, seek reimbursement through the warranty guarantee. The Town shall not issue any further Permits of any kind to said Permittee, until all outstanding charges (except those outstanding charges that are honestly and reasonably disputed by the Permittee and being negotiated in good faith with the Town) have been paid in full.

**165.12. Time of Completion.** All Work covered by the Permit shall be completed by the date stated on the application. Permits shall be void if Work has not commenced three months after issuance, unless the Director has granted an extension. Performance bonds, letters of credit or letters of responsibility deposited as a performance/warranty guarantee for individual Permits will be returned after voiding of the Permit, with administrative and any other Town costs deducted.

**165.13. Traffic Control.**

**165.13.1.** When it is necessary to obstruct traffic, a traffic control plan shall be submitted to the Town prior to starting construction. No Permit will be issued until the Town approves the plan. No Permittee shall block access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless the Permittee provides the Town with written verification of written notice delivered to the owner or occupant of the facility, equipment or property at least 48 hours in advance. If a street closing is desired, the applicant will request the assistance and obtain the approval of the Director. It shall be the responsibility of the Permittee to notify and coordinate all Work in the public way with police, fire, ambulance, other government entities, and transit organizations.

**165.13.2.** When necessary for public safety, the Permittee shall employ flag persons whose duties shall be to control traffic around or through the construction site. The Director may require the use of flag persons.

**165.13.3.** Traffic control devices, as defined in Part VI of the Manual on Uniform Traffic Control Devices, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices are to be supplied by the Permittee. If used at night, they must be

reflectorized and may be required to be illuminated or have barricade warning lights.

**165.13.4.** Oil flares or kerosene lanterns are not allowed as means of illumination. Nighttime work area flood lighting shall not be allowed to spill out of the construction area in such a way as to disturb, annoy, or endanger the comfort, health or peace of others.

**165.13.5.** Part VI of the Manual on Uniform Traffic Control Devices or any successor publication thereto shall be used as a guide for all maintenance and construction signing. The Permittee shall illustrate on the Permit the warning and control devices proposed for use. At the direction of the Director, such warning and control devices shall be modified.

**165.13.6. Maintenance and Construction Signing.** The Contractor shall be responsible for maintaining all work area signing and barricading during construction operations as well as any signs and barricades that are needed to protect roadway users and pedestrians during non-work hours. During non-work hours, all construction work area signs that are not appropriate shall be removed, covered, or turned around so that they do not face traffic. Any deficiencies noted by the Town shall be corrected immediately by the Contractor. If Contractor is not available or cannot be found, the Town may make such corrections and the Contractor shall pay the actual costs plus a penalty of fifty percent (50%) of the amount thereof.

**165.14. General Rights of Way Use and Construction.**

**165.14.1. Right of Way Meetings.** Permittee will make reasonable efforts to attend and participate in meetings of the Town, of which the Permittee is made aware, regarding right of way issues that may impact its facilities, including, planning meetings to anticipate joint trenching and boring. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, Permittee shall work with other providers, licensees, Permittees, and franchisees so as to reduce so far as possible the number of right of way cuts within the Town and the amount of pedestrian and vehicular traffic that is obstructed or impeded.

**165.14.2. Minimal Interference.** Work in the right of way, on other public property, near public property, or on or near private property shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Permittee's facilities shall be constructed and maintained in such manner as not to interfere with

sewers, water pipes, or any other property of the Town, or with any other pipes, wires, conduits, pedestals, structures, or other Facilities that may have been laid in the rights of way by, or under, the Town's authority. The Permittee's Facilities shall be located, erected and maintained so as not to endanger or interfere with the lives of Persons, or to interfere with new improvements the Town may deem proper to make or to unnecessarily hinder or obstruct the free use of the rights of way or other public property, and shall not interfere with the travel and use of public places by the public during the construction, repair, operation or removal thereof, and shall not obstruct or impede traffic.

**165.14.3. Underground Construction and Use of Poles.**

**165.14.3.1.** When required by general codes, ordinances, resolutions, regulations or rules of the Town or applicable State or federal law, Permittee's Facilities shall be placed underground at no cost to the Town. Placing Facilities underground does not preclude the use of ground-mounted appurtenances.

**165.14.3.2.** Where all Facilities are installed underground at the time of Permittee's construction, or when all such Facilities are subsequently placed underground, all Permittee Facilities shall also be placed underground at no expense to the Town unless funding is generally available for such relocation to all users of the rights of way. Related equipment, such as pedestals, must be placed in accordance with the Town's applicable code requirements and rules.

**165.14.3.3.** For above ground Facilities, the Permittee shall utilize existing poles and conduit when possible.

**165.14.3.4.** Should the Town desire to place its own Facilities in trenches or bores opened by the Permittee, the Permittee shall cooperate with the Town in any construction by the Permittee that involves trenching or boring, provided that the Town has first notified the Permittee in some manner that it is interested in sharing the trenches or bores in the area where the Permittee's construction is occurring. The Permittee shall allow the Town to place its Facilities in the Permittee's trenches and bores, provided the Town incurs any incremental increase in cost of the trenching and boring. Should the Town desire to install Ducts or Conduit for the possible use of other entities, then the Permittee shall allow the Town to place these Facilities in the Permittee's trenches and bores, provided the Town shares proportionally in the cost of trenching and boring. The Town shall be

responsible for maintaining its respective Facilities buried in the Permittee's trenches and bores under this section.

**165.14.4. Use of Conduits by the Town.** Unless otherwise restricted by tariff, the Town may install or affix and maintain its own Facilities for Town purposes in or upon any and all of Permittee's ducts, conduits or equipment in the rights of way and other public places, at a charge to be negotiated between the parties, to the extent space therein or thereon is reasonably available, and pursuant to all applicable ordinances and codes. For the purposes of this section, "Town purposes" includes, but is not limited to, the use of the structures and installations for Town fire, police, traffic, utility, telephone, and/or signal systems.

**165.14.5. Common Users.**

**165.14.5.1.** The rights of way have a finite capacity for containing Facilities. Therefore, whenever the Town determines it is impracticable to permit construction of an underground Conduit system by any other entity which may at the time have authority to construct or maintain Conduits or Ducts in the rights of way, but excluding entities providing services in competition with Permittee, and unless otherwise prohibited by federal or state law or regulations, the Town may require Permittee to afford to such entity the right to use Permittee's Surplus Ducts or Conduits in common with Permittee, pursuant to the terms and conditions of an agreement for use of Surplus Ducts or Conduits entered into by Permittee and the other entity. Nothing herein shall require Permittee to enter into an agreement with such entity if, in Permittee's reasonable determination, such an agreement could compromise the integrity of the Permittee's facilities.

**165.14.5.2.** All Facilities shall meet any applicable local, State, and federal clearance and other safety requirements, be adequately grounded and anchored, and meet the provisions of contracts executed between Permittee and the other common user. Permittee may, at its option, correct any attachment deficiencies and charge the common user for its costs. Each common user shall pay Permittee for any fines, fees, damages or other costs the common user's attachments cause Permittee to incur.

**165.15. Joint Planning and Construction; Coordination of Excavations.**

**165.15.1.** Excavations in Town rights of way disrupt and interfere with the public use of Town streets and damage the pavement and landscaping. The purpose of this Section is to reduce this disruption, interference and

damage by promoting better coordination among Permittees making excavations in Town rights of way and between these Permittees and the Town. Better coordination will assist in minimizing the number of excavations being made wherever feasible, and will ensure the excavations in Town rights of way are, to the maximum extent possible, performed before, rather than after, the resurfacing of the streets by the Town.

**165.15.2.** Any Permittee owning, operating or installing facilities in Town rights of way, providing water, sewer, gas, electric, communication, video or other utility services, shall meet annually with the Director, at the Director's request to discuss Permittee's excavation master plan. At such meeting, to the extent not already in possession of the Town, Permittee shall submit documentation, in a form required by the Director, showing a location of the Permittee's existing facilities in the Town rights of way. Permittee shall discuss with the Director, its excavation master plan, and identify planned major excavation Work in the Town. The Director may make his own record on a map, drawing or other documentation, of each Permittee's planned major excavation Work in the Town; provided, however, that no such document prepared by the Director shall identify a particular entity, or the planned major excavation Work of that particular entity. Permittee shall meet with the Director to discuss an initial excavation master plan no later than sixty (60) days after submitting its first Permit application. Thereafter, each Permittee shall submit annually, on the first regular business day of January, a revised and updated excavation master plan. Such revised and updated plan shall be submitted in both hard copy and digital format. As used in this section, the term "planned major excavation Work" refers to any future excavations planned by the Permittee when the excavation master plan or update is submitted that will affect any Town right of way for more than five (5) days, provided that the Permittee shall not be required to identify future major excavations planned to occur more than three (2) years after the date that the Permittee's master plan or update is discussed. Between the annual meetings to discuss planned major excavation Work, Permittee shall use its bests efforts to inform the Director of any substantial changes in the planned major excavation Work discussed at the annual meeting.

**165.15.3.** The Director shall prepare a Repaving Plan showing the street resurfacing planned by the Town. For purposes of Section **165.15.**, the Repaving Plan shall include a landscaping or other right of way improvement plan. The Repaving Plan shall be revised and updated on an annual basis after meeting to discuss the Permittee's and Town Department's master plans and updates. The Director shall make the Town's

Repaving Plan available for public inspection. In addition, after determining the street resurfacing Work that is proposed for each year, the Director shall send a notice of the proposed Work to all Permittees that have had an annual meeting with the Director.

**165.15.4.** Prior to applying for a Permit, any Person planning to excavate in the Town's rights of way shall review the Town's Repaving Plan on file with the Director and shall coordinate, to the extent practicable, with the utility and street Work shown on such plans to minimize damage to, and avoid undue disruption and interference with the public use of such rights of way.

**165.15.5.** In performing location of facilities in the public rights of way in preparation for construction under a Permit, Permittee shall compile all information obtained regarding its or any other facilities in the public rights of way related to a particular Permit, and shall make that information available to the Town in a written and verified format acceptable to the Director. If the Permittee fails to provide the locate information requested by the Town, the Town may obtain this information and charge the Permittee the actual costs for obtaining the information.

**165.15.6.** Prior to undertaking any Work in the rights of way or related landscaping, the Town may notify all Permittees of the Town Work to be performed. Upon such notification, all Permittees shall, within seven (7) days, locate their Facilities in the rights of way in which the Work will be performed, and provide documentation in a format acceptable to the Director of the Permittee's facilities in that right of way.

**165.16. Minimizing the Impacts of Work in the Rights of Way.**

**165.16.1.** Relocation and Protection of Utilities. Before beginning excavation in any public way, a Permittee shall contact the Utility Notification Center of Colorado (UNCC) and, to the extent required by C.R.S. §9-1.5-102 et seq., make inquiries of all ditch companies, utility companies, districts, local government departments, and all other agencies that might have facilities in the area of Work to determine possible conflicts. The Permittee shall contact the UNCC and request field locations of all facilities in the area pursuant to UNCC requirements. Field locations shall be marked prior to commencing Work. The Permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected by the Work from damage during construction or settlement of trenches subsequent to construction.

**165.16.2.** Noise, Dust, Debris, Hours of Work. Each Permittee shall conduct Work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the Work, the Permittee shall take appropriate measures to reduce noise, dust, and unsightly debris. No Work shall be done between the hours of 8:00 p.m. and 7:00 a.m. nor at any time on Saturday or Sunday, except with the written permission of the Director, or in case of an emergency.

**165.16.3.** Trash and Construction Materials. Each Permittee shall maintain the Work site so that:

**165.16.3.1.** Trash and construction materials are contained so that they are not blown off of the construction site.

**165.16.3.2.** Trash is removed from a construction site often enough so that it does not become a health, fire, or safety hazard or public nuisance.

**165.16.3.3.** Trash dumpsters and storage or construction trailers are not placed in the street without specific approval of the Director.

**165.16.4.** Deposit of Dirt and Material on Roadways. Each Permittee shall utilize their best efforts to eliminate the tracking of mud or debris upon any street or sidewalk. Streets and sidewalks shall be cleaned of mud and debris at the end of each day. All equipment and trucks tracking mud and debris into the Right of Way shall be cleaned of mud and debris at the end of each day or as directed by the Director.

**165.16.5.** Protection of Trees and Landscaping. Each Permittee shall protect trees, landscape, and landscape features as required by the Town. All protective measures shall be provided at the expense of the Permittee.

**165.16.6.** Protection of Paved Surfaces from Equipment Damage. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. Tracked vehicles that will damage pavement surfaces are not permitted on paved surface unless specific precautions are taken to protect the surface. The Permittee will be responsible for any damage caused to the pavement by the operation of such equipment and, shall repair such surfaces. Failure to do so will result in the use of the applicant's performance/warranty guarantee by the Town to repair any damage, and, possibly, the requirement of additional warranty(s).

**165.16.7.** Protection of Property. Each Permittee shall protect from injury any adjoining property by providing adequate support and taking other necessary measures. The Permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the Work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out Work in the public way.

**165.16.8.** Clean-Up. As the Work progresses, all public rights of way and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris. All clean-up operations shall be done at the expense of the Permittee.

**165.16.9.** Preservation of Monuments. A Permittee shall not disturb any surface monuments, property marks or survey hubs and points found on the line of Work unless approval is obtained from the Director. Any monuments, hubs, and points disturbed will be replaced by a Colorado Registered Land Surveyor at the Permittee's expense.

**165.16.10.** Each Permittee shall make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a Work site is not impacted.

**165.16.11.** Each Permittee shall maintain an adequate and safe unobstructed walkway around a construction site or blocked sidewalk. Such provision shall be included in the traffic control plan.

**165.16.12.** Each Permittee shall clear all snow and ice hazards from public sidewalks at the work site within forty-eight (48) hours following a snowfall.

**165.1.7 Standards for Repairs and Restoration.**

**165.17.1. Permittee Responsibility.** The Permittee shall be fully responsible for the cost and actual performance of all Work in the public way. The Permittee shall do all Work in conformance with any and all engineering regulations, construction specifications, and design standards adopted by the Town. These standards shall apply to all Work in the public way unless otherwise indicated in the Permit.

**165.17.2.** All restoration shall result in a Work site condition equal to or better than that which existed prior to construction. In addition to the regulations, specifications and standards referred to in section **165.17.1.** the following provisions shall apply to Work in the public rights of way of the Town.

**165.17.2.1.** Pavement cuts shall be filled with compacted select material. Either concrete or asphalt patches will be placed to match the existing street cross section.

**165.17.2.2.** Select fill shall be placed in an excavation to the density required by Town compaction specifications.

**165.17.2.3.** The type, gradation, placement, compaction, and testing of the granular backfill material shall meet or exceed all requirements specified in design and construction standards adopted by the Town.

**165.17.2.4.** The new asphalt will be placed in lifts (3 inches maximum) and compacted upon placement. Asphalt depths will be governed the existing cross section of the street but not less than 4 inches of full deep asphalt shall be used to fill a street cut regardless of the existing cross section. Concrete meeting all construction standards of the Town shall be used to replace concrete pavement wherever it occurs.

**165.18. Construction and Restoration Standards for Newly Constructed or Overlaid Streets.**

**165.18.1.** Application. Any application for a Permit to excavate in a public right of way subject to the requirements of this section shall contain the following information:

**165.18.1.1.** A detailed and dimensional engineering plan that identifies and accurately represents the Town rights of way or property that will be impacted by the proposed excavation, as well as adjacent streets, and the method of construction.

**165.18.1.2.** The street width or alley width including curb and gutter over the total length of each Town block that will be impacted by the proposed excavation.

**165.18.1.3.** The location, width, length, and depth of the proposed excavation.

**165.18.1.4.** The total area of existing street or alley pavement in each individual Town block that will be impacted by the proposed excavation.

**165.18.1.5.** A written statement addressing the criteria for approval.

**165.18.2.** Criteria for Approval. No Permit for excavation in the right of way of new streets shall be

approved unless the Director finds that all of the following criteria have been met:

**165.18.2.1.** Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.

**165.18.2.2.** Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.

**165.18.2.3.** The proposed excavation cannot reasonably be delayed until after the three year deferment period has lapsed.

**165.18.3.** Exemptions for Emergency Operations. Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Persons with prior authorization from the Town to perform emergency maintenance operations within the public rights of way, shall be exempted from this section. Any person commencing emergency maintenance operations shall submit detailed engineering plans, construction methods and remediation plans no later than three Working days after initiating the emergency maintenance operation.

**165.18.4. Exemptions for Non-Emergency Operations.** A Permittee may apply to the Director for an exemption under this section when the construction is necessary in the public interest or to provide a public service. By way of example, but not by limitation, an exemption could be requested in order to provide services to a part of the Town where no service would be available without construction. If a non- emergency exemption is granted to disturb a public way within the three (3) year period, the Director may, in his sole discretion, impose additional restoration requirements, including but not necessarily limited to, repaving of a larger area, such as an entire block in which the construction occurs.

**165.18.5.** Construction and Restoration Standards for Newly Constructed or Overlaid Streets and Alleys. The streets shall be restored and repaired in accordance with design and construction standards adopted the Town and guaranteed in accordance with Section **165.10.**

**165.19. Relocation of Facilities.** If at any time the Town requests the Permittee to relocate is Facilities, in order to allow the Town to make any public use of rights of way, or if at any time it shall become necessary because of a change in the grade or for any other

purpose by reason of the improving, repairing, constructing, or maintaining of any rights of way, or reason of traffic conditions, public safety or by reason of installation of any type of structure of public improvement the Town or other public agency or special district, and any general program for the undergrounding of such facilities, to move or change the Permittee's Facilities within or adjacent to rights of way in any manner, either temporarily or permanently, the Town shall notify the Permittee at least 90 days in advance, except in the case of emergencies, of the Town's intention to perform or have such Work performed. The Permittee shall thereupon, at no cost to the Town, accomplish the necessary relocation, removal or change within a reasonable time from the date of the notification, but in no event later than three Working days prior to the date the Town has notified the Permittee that it intends to commence its Work or immediately in the case of emergencies. Upon the Permittee's failure to accomplish such Work, the Town or other public agencies or special district may perform such Work at the Permittee's expense and the Permittee shall reimburse the Town or other agency within 30 days after receipt of a written invoice. Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to construction by Permittee at the Permittee's expense. Notwithstanding the requirements of Section 165, a Permittee may request additional time to complete a relocation project. The Director shall grant a reasonable extension if in his sole discretion, the extension will not adversely affect the Town's project.

**165.20. Abandonment and Removal of Facilities.**

**165.20.1. Notification of Abandoned Facilities.**

Any Permittee that intends to discontinue use of any Facilities within the public rights of way shall notify the Director in writing of the intent to discontinue use. Such notice shall describe the Facilities for which the use is to be discontinued, a date of discontinuance of use, which date shall not be less than thirty (30) days from the date such notice is submitted to the Director and the method of removal and restoration. The Permittee may not remove, destroy or permanently disable any such Facilities during said thirty (30) day period without written approval of the Director. After thirty (30) days from the date of such notice, the Permittee shall remove and dispose of such Facilities as set forth in the notice, as the same may be modified by the Director, and shall complete such removal and disposal within six months, unless additional time is requested from and approved by the Director.

**165.20.2. Conveyance of Facilities.** At the discretion of the Town, and upon written notice from the

Director within thirty (30) days of the notice of abandonment, the Permittee may abandon the Facilities in place, and shall further convey full title and ownership of such abandoned Facilities to the Town. The consideration for the conveyance is the Town's permission to abandon the Facilities in place. The Permittee is responsible for all obligations as owner of the Facilities, or other liabilities associated therewith, until the conveyance to the Town is completed.

**165.20.3. Abandonment of Facilities in Place.** At the discretion of the Town, and upon written notice from the Director the Permittee may either:

**165.20.3.1.** Abandon the Facilities in place, and shall further convey full title and ownership of such abandoned Facilities to the Town. The consideration for the conveyance is the Town's permission to abandon the Facilities in place. The Permittee is responsible for all obligations as owner of the Facilities, or other liabilities associated therewith, until the conveyance to the Town is completed.

**165.20.3.2** Abandon the Facilities in place, but the Permittee still retains the responsibility for all obligations as owner of the Facilities, or other liabilities associated therewith.

**165.21. Emergency Procedures.**

**165.21.1.** Any person maintaining Facilities in the public way may proceed with repairs upon existing facilities without a Permit when emergency circumstances demand that the Work be done immediately. The person doing the Work shall apply to the Town for a Permit on or before the third Working day after such Work has commenced. All emergency Work will require prior telephone notification to the UNCC, Town Police and the appropriate fire protection agency.

**165.21.2. Notifications.** If any damage occurs to an underground Facility or its protective covering, the Contractor shall notify the Facility's operator promptly. When the Facility's operator receives a damage notice, the Facility's operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any inflammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the Contractor responsible shall immediately notify the Facility's operator and 811 and take immediate action to protect the public and nearby properties.

**165.22. Revocation of Permits and Stop Work Orders.**

**165.22.1.** Any Permit may be revoked or suspended by the Director, after written notice to the Permittee for:

**165.22.1.1.** Violation of any material condition of the Permit or of any material provision of this code.

**165.22.1.2.** Violation of any material provision of any other code or ordinance of the Town or state law relating to the Work.

**165.22.1.3.** Existence of any condition or performance of any act that the Town determines constitutes or causes a condition endangering life or damage to property.

**165.22.2.** Stop Work Orders. A Stop Work Order may be issued by the Director to any person or persons doing or causing any Work to be done in the Public Way for:

**165.22.2.1.** Working without a Permit except for routine maintenance or emergency repairs to existing Facilities as provided for in this code.

**165.22.2.2.** Doing work in violation of any provisions of this code, or any other code or ordinance of the Town, or state law relating to the work.

**165.22.2.3.** Performing any act, which Town determines constitutes or causes a condition that either endangers life or property.

**165.22.3.** A suspension or revocation by the Director, and a Stop Work Order, shall take effect immediately upon notice to the person performing the Work in the public way, or to the Permittee's last known address.

**165.22.4.** Any suspension or revocation or Stop Work Order may be appealed by the Permittee to the Town Manager by filing a written notice of appeal within five (5) working days of the action.

**165.23. Appeals Procedure.** Any decision rendered by the Director or Town Manager pursuant to this code may be appealed within thirty (30) days by the Permittee to the Board of Trustees in accordance with the rules and procedures established by that body.

**165.24. Penalty.** Any person who violates the provisions of this code as aforesaid shall upon

conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00) and/or liquidated damages. Each day that such violation shall continue shall constitute a separate and distinct offense.

**165.25 . Severability.** All sections, subsections, provisions and parts of this code shall be severable, and if any section, provision, or portion of this code is declared or ruled invalid or otherwise invalidated by any court or agency of valid jurisdiction, such declaration or ruling shall not affect the validity of any other section, provision or portion of this code, and all other sections, subsections, provisions and portions of this ordinance shall remain in full force and effect.

**165.26. Right of Way Permit Fees.**

**165.26.1. Degradation Costs.**

**165.26.1.1.** The formula for Degradation Costs is provided in Table 1 – 30-year design standard. Table 2 illustrates a hypothetical calculation.

**165.26.1.2.** Degradation Costs will be reviewed and may be changed by Resolution of the Board of Trustees.

**165.26.2. Administrative/Management Cost.**

**165.26.2.1** The formula for determining that portion of the Permit fee relating to Administrative or Management Costs is as follows:

Labor (X) hours of staff time involved in connection with granting and oversight of permit = Permit Fee for Administrative/Management Costs

**165.26.2.2.** In connection with this formula the following assumptions are made:

- Labor = hourly rate + benefits + indirect costs
- Inspectors are paid \$30 per hour
- Engineers are paid \$85 per hour
- Clerical staff is paid \$20 per hour
- Benefits = 45% of salary
- Indirect costs = 25% of salary

**165.26.2.3.** Administrative/Management Costs will be reviewed and may be changed by Resolution of the Board of Trustees.

165.26.3. TABLE 2 - Recommended Cost of Recovery Method

**Cost per Square Yard for Streets, Overlays and Sealcoats  
X Depreciation Rate X Area of Influence (1)**

165.26.4.1 Example

- Assumptions: Street is 16 years old
- Overlay is 5 years old
- Sealcoat is 1 year old
- Area of cut = 3 feet x 3 feet
- Area of influence = 9 feet x 9 feet = 81 square feet = 9 square yards

	Cost per Square Yard	Depreciation Rate	Area of Influence	Degradation Cost
Concrete Street			0.0	\$0.00
Asphalt Street	\$45.00	60%	9.0	\$243.00
Overlay	\$10.00	50%	9.0	\$45.00
Sealcoat	\$1.00	80%	9.0	\$7.20
<b>Total Cost</b>				<b>\$295.20</b>

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165.26.4. TABLE 1 - Cost of Recovery Method (30 Year Street Design Standard)

**Cost per Square Yard for Streets, Overlays and Sealcoats  
X Depreciation Rate X Area of Influence (1)**

**Depreciation Rates**

**Cost Per Square Yard (3)**

<b>Street (2)</b>			
Age	Rate	Age	Rate
0	100%	21	44%
1	99%	22	41%
2	98%	23	37%
3	97%	24	34%
4	96%	25	31%
5	95%	26	28%
6	92%	27	25%
7	89%	28	21%
8	85%	29	18%
9	82%	30	15%
10	79%	31	
11	76%	32	
12	73%	33	
13	69%	34	
14	66%	35	
15	63%	36	
16	60%	37	
17	57%	38	
18	53%	39	
19	50%	40	
20	47%		

<b>Overlays</b>	
Age	Rate
1	90%
2	80%
3	70%
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

<b>Sealcoats</b>	
Age	Rate
1	80%
2	60%
3	40%
4	20%
5	0%

Type	Cost
Concrete Reconstruction	
Asphalt Reconstruction	\$45.00
Overlays	\$10.00
Sealcoats	\$1.00

- (1) Area of influence is equal to area of the cut plus 3.0 feet on each side (expressed in sq. yds.)
- (2) Depreciation rates are based on a 30-year street design standard. Depreciation for the first 5 years is 1.0% per year, followed by straight line depreciation less 15.0% for the remaining street design standard (25 years). Depreciation can occur at 1.0% per year after this time for up to 15 years or street reconstruction, whichever occurs first.



**170 - EMPLOYEES**

**171 - Pay Roll Claims**

**171.1. Issuing Payroll Payment** The Town Clerk is hereby authorized to issue payroll checks pursuant to the Town of Limon Personnel Handbook.

(Amended on November 6, 2014 by Ordinance No 577)



**173 - Sick Leave; Vacation**

**173.1. Pay Allowance While Absent from Duty.** All Leave shall be identified in the Personnel Handbook of the Town of Limon as approved by Resolution of the Board of Trustees.

(Amended on November 6, 2014 by Ordinance No 577)



**180 - Annexation and Subdivisions**

**181 - Annexation**

HISTORY: 1958 Municipal Code; Repealed by Ordinance No. 376 adopted on June 2, 1994 where Land Development Code addresses and supercedes. See Land Development Code for additional information.



**182 - Subdivisions of Land Within the Town of Limon**

HISTORY: 1958 Municipal Code-Amendments noted where applicable; Repealed by Ordinance No. 376 adopted on June 2, 1994 where Land Development Code addresses and supercedes. Removed in its entirety on November 6, 2014 by Ordinance No. 577. See Land Development Code for additional information.



**183 - Costs**

HISTORY: Added May 5, 1983 by Ordinance No. 293; Repealed by Ordinance No. 376 adopted on June 2, 1994 where Land Development Code addresses and supercedes. See Land Development Code for additional information.



**184 - Flood Conditions**

HISTORY: Added October 4, 1984 by Ordinance No. 306. Amended by Ordinance No. 330, dated November 3, 1988 and Ordinance No. 346, dated November 15, 1990. Repealed by Ordinance No. 376 adopted on June 2, 1994 where Land Development Code addresses and supercedes. Amended on June 6, 1996 by Ordinance No. 398. Removed in its entirety by on January 2, 2014 by Ordinance No. 567 and covered exclusively in the Land Development Code.



**200 - POLICE AND FIRE DEPARTMENTS****201 - General**

HISTORY: 1958 Municipal Code. Amended on December 4, 2014 by Ordinance No. 578

**201.1. Authority for Establishment.** The authority for the establishment of the office of Chief of Police and for the Police Department by the Town of Limon Board of Trustees is vested by statutes of the State of Colorado.

**201.2. Scope and Responsibilities of Chief of Police.** The Chief of Police is charged with the management of the Police Department and shall have such powers as are given to him by statute as Chief of Police of an incorporated town. As C.R.S. 31-4-306 provides, the Chief of Police shall have the same power that sheriffs have by law, coextensive with the county in cases of violation of town ordinances and for offenses committed within the limits of the town. The Chief shall execute all writs and processes directed to him by the municipal judge in any case arising under a town ordinance and shall be eligible to receive the same fees for his/her services that sheriffs are allowed in similar cases. Additionally, the Chief shall make recommendations concerning matters within the sphere of his responsibility to the Town Board of Trustees. The Chief shall perform such duties as are required of the Chief by Colorado state statute, by this code, or as shall be assigned to him/her by the Town Board of Trustees, providing such assignment is not inconsistent with the office or the job description approved by the Board of Trustees by Resolution.

**201.3. Appointment.** The Chief of Police shall be appointed by the Board of Trustees at the first meeting following a regular municipal election or at such time the need to fill a vacancy may exist.

**202 - Uniforms and Badges of Policemen****210 - Police Department**

HISTORY: Added by Ordinance No. 219 on February 21, 1972. Deleted in its entirety by Ordinance No. 380 on October 6, 1994

**211 - General Police Duties and Powers**

HISTORY: 1958 Municipal Code. Amendments noted where applicable.

**211.1. General Duties; Powers of Arrest.**

**211.1.1.** The members of the Police Department, when on duty, shall devote their time and attention to the discharge of duties according to Colorado state statute, this Code, ordinances and policies of the Town and the rules and regulations of the Department to preserve order, peace and quiet, and enforce the laws, codes and ordinances through the Town.

**211.1.2.** They shall have power as provided in Colorado state statute to perform all duties required of their position. The conduct of such duties shall always be performed to the highest achievable standard of professionalism and efficiency

**211.2. Service of Process.** They shall have the power and authority and it shall be their duty to serve and execute warrants and other process for the summoning, apprehension and commitment of any person charged with a violation of any ordinance, code, or commission of any crime, or misdemeanor, or offense against the laws of the Town, the state of Colorado or the United States as deemed appropriate relative to the infraction.

**211.3. Aid to Firemen.** It shall be the duty of the members of the Police Department to aid the Limon Area Fire Protection District by giving alarms in case of fire, and in clearing the streets or grounds in the immediate vicinity of the fire, so that the members of the Fire District shall not be hindered or obstructed in the performance of their duties.

**211.4. Property Seized; Report.**

**211.4.1.** It shall be the duty of every member of the Police Department to report to his superior officer, all property seized or found by him immediately after the same shall have come into his possession, and such superior officer shall report the same to the Chief of Police.

**211.4.2.** Such property, with the date of delivery and description thereof, and the name of the officer depositing the same, shall be entered in a book kept for

that purpose, by the custodian having the custody of such property, who shall be held responsible therefor.

**211.4.3. Sale of Property Seized.** Public sale of unclaimed chattels in the custody of the Police Department is hereby authorized and shall be conducted in the following manner.

**211.4.4.** That storage, at ten dollars (\$10.00) per day, shall be charged against all vehicles and chattels in police custody, and shall constitute a lien against such property which may be foreclosed as herein provided.

**211.4.5.** That the Chief of Police is hereby authorized to sell at public auction any and all automobiles, vehicles and other goods and chattels that accumulate from time to time, as unclaimed property, in the custody of the police department; provided, however, that no such unclaimed property shall be offered for sale unless the same shall have been in the custody of the police department for not less than three months unless as otherwise provided for in C.R.S. 42-4-1801 or other applicable Colorado state statute.

**211.4.6.** That notice of such sales of property with expected value of more than three hundred dollars (\$300) shall be given by publication in the official newspaper of the Town once and such publication of notice shall not be less than 30 days before such sale. Such notice shall describe the items to be offered for sale and state the time and place thereof. The terms of all such sales shall be for cash and the proceeds thereof shall be credited to the general fund of the Town. If said property is expected to have a value of less than three hundred dollars (\$300) said auction can be performed by posting notice of the auction thirty (30) days in advance of the auction in such location approved for posting of official notices by the Board of Trustees.

**211.4.7.** That at such sales, the vehicles, goods and chattels shall be auctioned separately to the highest eligible bidder who shall forthwith pay the amount of his bid to the Town Clerk of the Town of Limon in good funds. On receipt of such payment the Town Clerk shall and is hereby authorized and directed to issue to the successful bidder, in the name and on behalf of the Town of Limon, a written bill of sale without warranty to the purchaser, his heirs or assigns, in any form and approved by the Motor Vehicle Department of Colorado, if applicable.

**211.4.8.** All vehicles, good and chattels purchased at any sale shall be removed from the custody and premises of the Town by the purchaser, within five (5) days thereafter. In event any purchaser fails to remove

his property within the time aforesaid, a storage charge of ten dollars (\$10.00) per day shall be made and collected by the Police Department and if not redeemed, the article may be included in any subsequent auction held by authority of this Code.

**211.5. Abate Nuisances, etc.** It shall be the duty of each member of the Police Department to take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, and other public ways and places and to remove the same or cause immediate notice thereof to be given to the proper Town officer whose duty it may be to take measures in relation thereto according to the Code and the ordinances of the Town.

#### **211.6. Accident Reports.**

(Deleted on December 4, 2014 by Ordinance No. 578)

#### **211.7. Physicians to Report Injuries to Chief of Police.**

(Deleted on December 4, 2014 by Ordinance No. 578, covered by Colorado state statutes)

**211.8. Suspension, Removal.** Any failure on the part of any police officer of the Town to comply with the terms and provisions of section 211 shall be sufficient cause for discipline up to and including suspension or termination as provided in the personnel handbook of the Town of Limon.

#### **211.9. PENALTY FOR MISCONDUCT BY POLICE OFFICERS**

(Deleted on December 4, 2014 by Ordinance No. 578, Refer to Town of Limon Personnel Handbook)

**211.10. Penalties for Refusal to Comply with an Order.** Any person who shall willfully fail or refuse to comply with the order of duty a authorized officer of the Police Department or personnel charged with preserving the public peace, whether under color of their lawful commission or order of the Court, or in the conduct of their regular duties, shall, upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00).

(Added October 2, 1969, Ordinance No. 209; amended January 2, 1997, Ordinance No. 411)

#### **211.11. Town Jail**

(Added by Ordinance No. 380 on October 6, 1994 from May 14, 1975, Ordinance No. 234; Deleted on December 4, 2014 by Ordinance No. 578 )

**211.12.** All records, if any, of the Police Department shall be subject to the Town's open records request policy as approved by the Board of Trustees and

Colorado state statute, unless the records are subject exclusively to the Colorado Criminal Justice Records Act, C.R.S. 24-72-301, et. seq.

(Added by Ordinance No. 380 on October 6, 1994 from May 14, 1975, Ordinance No. 234)

**211.13. Vacancies within the Police Department.**

**211.13.1.** Vacancies within the Police Department shall be filled according to the policies of the Town of Limon, as selected by the Chief of Police and as provided for in the budget as approved by the Board of Trustees.

(Added and amended by Ordinance No. 380 on October 6, 1994 from May 14, 1975, Ordinance No. 234; Amended on December 4, 2014 by Ordinance No. 578)



**220 - Volunteer Firefighter Pension**

HISTORY: Added by Ordinance No. 218 on January 6, 1972; amended by Ordinance No. 410 on January 2, 1997; Deleted in its entirety on December 4, 2014 by Ordinance No. 578.



**221 - Fire Department Organization and Duties**

HISTORY: 1958 Municipal Code. Deleted in its entirety on December 4, 2014 by Ordinance No. 578, as the fire department is no longer a department of the Town but rather an entity of its own accord known as the Limon Area Fire Protection District. As such, the policies and operation of the fire department is regulated by the powers provided in Colorado state statute and as directed by the Board of the Limon Area Fire Protection District.



**222 – Fire Department Emergency Power**

(Deleted in its entirety on December 4, 2014 by Ordinance No. 578)



**230 - Emergency Response Authority for Hazardous Materials Incidents**

HISTORY: Added December 2, 1982 by Ordinance No. 290. Amended August 3, 1995 by Ordinance No. 391; Amended on December 4, 2014 by Ordinance No. 578.

**230.1. Purpose.** The purpose of this code is to designate an emergency response authority for hazardous material incidents occurring within the corporate limits of the Town and within all areas outside the corporate limits of the Town the use of which the Town has jurisdiction and authority to regulate, as required by C.R.S. 1973 Section 29-22-102(3), as amended, and to establish the duties and authority of the emergency response authority. This code shall also establish the responsibilities of any person who owns or has control of a hazardous material which is involved in a hazardous material incident and provide for reimbursement of costs to the Town incidental to hazardous material incidents.

**230.2. Definitions.** The following terms, as used in this code shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision.

**230.2.1. Hazardous Material.** Any substance or material designated as a hazardous material by the United States Department of Transportation according to 49 C.F.R. Part 172, as amended; or, any waste material which constitutes a hazardous waste according to 40 C.F.R. Part 261, as amended; or any other substance or material including but not limited to petroleum products which, in the judgment of the emergency response authority, poses an imminent danger to the public health and safety when involved in a hazardous material incident.

**230.2.2. Hazard Material Incident.** Any emergency circumstance involving the sudden discharge or imminent discharge of hazardous material which, in the judgment of the emergency response authority, threatens immediate and irreparable harm to the environment or the health and safety of any person other than persons exposed to the risks associated with hazardous materials in the normal course of their employment. "Hazardous material incident" does not include any discharge of a hazardous material authorized pursuant to any Federal, State or local law or regulation.

**230.2.3. Private Property.** Private property is any property under the control, management or operation of any person other than a governmental entity.

**230.2.4. Emergency Response Authority.** The Chief of Police of the Town or the Chief's designee(s).

**230.2.5. Emergency Response to a Hazardous Material Incident.** Taking the initial emergency action necessary to minimize the effects of a hazardous material incident and exercising continuing supervisory authority over all further efforts to eliminate the threat of immediate and irreparable harm to the environment or the public health and safety.

**230.2.6. Residue of the Hazardous Material Incident.** The residue shall include the hazardous material itself and the soil, pavement, stone, water, debris or any other matter which is contaminated by such hazardous material.

**230.3. Jurisdiction of Emergency Response Authority.** The emergency response authority shall have jurisdiction for hazardous material incidents occurring within the corporate limits of the Town, and within all areas outside the corporate limits of the Town, over which the Town has jurisdiction and authority to regulate.

**230.4. Duties and Authority of the Emergency Response Authority.** The emergency response authority shall have the following duties and authority:

**230.4.1.** Provide twenty-four (24) hour response capability to reported or suspected hazardous waste incidents.

**230.4.2.** Take initial emergency action necessary to minimize the effects of a hazardous material incident and exercise continuing supervisory authority over all further efforts to eliminate the threat of immediate and irreparable harm to the environment or the public health and safety.

**230.4.3.** Request assistance of personnel and equipment at the scene and immediate vicinity of a hazardous material incident from any Town department and generally direct, supervise and coordinate the activities of such persons and the use of such equipment.

**230.4.4.** Request assistance from the nearest available fire department or other public agency possessing such equipment, personnel or expertise which, in the judgment of the emergency response

authority, may be necessary to handle a particular hazardous material incident when such equipment, personnel or expertise is not reasonably available on a timely basis from the various Town departments.

**230.4.5.** Contract, as an emergency measure without the necessity of bids, for services and material from any person for the purpose of minimizing the effects of a hazardous material incident and for eliminating the threat of immediate and irreparable harm to the environment or to public health and safety if such services or material is not reasonably available on a timely basis from the various Town departments or other fire departments or public agencies.

**230.4.6.** Notify the Disaster Emergency Service Agency, the United States Environmental Protection Agency, the Colorado State Department of Health, and any other Federal or State agency of hazardous material incidents as required by any Federal or State law or regulation. The emergency response authority may request the Disaster Emergency Service Agency to assist in making the required notifications and for any other assistance which is deemed appropriate.

**230.5. Right of Entry.** Whenever the emergency response authority has reasonable cause to believe that a discharge of hazardous material has occurred or that a discharge of a hazardous material is imminent, which discharge or imminent discharge threatens immediate and irreparable harm to the environment or the health and safety of any person other than persons exposed to the risks associated with hazardous materials in the normal course of their employment, and which discharge or imminent discharge is not authorized pursuant to any Federal, State or local law or regulation, the emergency response authority may enter any private property in the interest of public safety at all reasonable times to inspect the same or to perform any duty imposed by this code. If such private property is occupied, the emergency response authority shall first identify himself/herself by name and position and demand entry; and, if such private property is unoccupied, the emergency response authority shall first make a reasonable effort to locate the owner or other person having charge or control of such private property and demand entry. If entry is refused, the emergency response authority may apply for a search warrant or search warrant for inspection pursuant to the Colorado Municipal Court Rules of Procedure, or as otherwise provided by law. This section shall not be construed to require the issuance of a warrant in any case where warrants are not required by law.

**230.6. RESPONSIBILITIES OF TOWN**

**DEPARTMENTS.** Upon request of the emergency response authority, all Town departments shall provide any personnel, equipment and expertise as may be reasonably available, to assist at the scene or immediate vicinity of a hazardous material incident taking into account the serious and immediate danger posed by hazardous material incidents. All personnel and equipment from each department at a hazardous material incident scene or vicinity shall be under the direct supervision of the senior person from that department or as otherwise provided by Town policy, except that the emergency response authority shall provide general supervisory control and authority at a hazardous material incident scene or vicinity and all Town departments and personnel shall cooperate with the emergency response authority accordingly.

**230.7. HAZARDOUS MATERIAL INCIDENTS ON**

**PRIVATE PROPERTY.** If a hazardous material incident occurs on private property within the corporate limits of the Town, the owner or operator thereof may undertake the emergency response to such hazardous material incident and shall immediately notify and coordinate such response with the emergency response authority. If the owner or operator does not undertake such emergency response, or if in the judgment of the emergency response authority there exists an imminent danger to the public health and safety beyond such private property and the emergency response by the owner or operator thereof is inadequate or insufficient to alleviate such imminent danger, the emergency response authority shall be responsible for the emergency response to such hazardous material incident as provided in this code or allowed by Colorado state statute.

**230.8. RESPONSIBILITY FOR RESIDUE CLEANUP AND DISPOSAL.**

The owner of a hazardous material and the operator of any vehicle or other conveyance by which a hazardous material is moved or transported, in the case where a hazardous material incident occurs during movement or transport, shall be jointly and severally responsible for properly cleaning up, transporting and disposing of the residue of the hazardous material incident. Proper cleanup, transport and disposal shall mean actions in compliance with all Federal and State laws and regulations pertaining to the particular hazardous material or residue thereof, as the case may be. All such owners and operators shall cooperate with the emergency response authority and shall provide all reasonably available means, personnel and equipment to affect the proper cleanup, transport and disposal of the residue of the hazardous material incident.

**230.9. REIMBURSEMENT OF COSTS AND EXPENSES.**

The Town shall develop criteria to govern those costs and expenses incurred by the Town as a result of assistance at hazardous material incidents which shall be reimbursable. The Town shall submit an itemized account of all reimbursable costs and expenses incurred as a result of the Town's assistance at a hazardous material incident to the owner of the hazardous material involved in the hazardous material incident, or other person proximately causing the hazardous material incident, for the total costs and expenses incurred by the Town as a result thereof, which bill shall be due and payable within thirty (30) days after mailing. Such owner or other person proximately causing a hazardous material incident shall be jointly and severally liable for reimbursement of all Town costs and expenses incurred as a result of assistance of emergency response to a hazardous material incident. Upon the failure or refusal of any person to reimburse the Town as provided herein, the Town Manager shall refer the matter to the Town Attorney for collection or other disposition as deemed appropriate.

(Amended on June 6, 1996 by Ordinance No. 398)

**230.10. VIOLATIONS.**

**230.10.1.** The driver of any vehicle involved in an accident resulting in a discharge of any hazardous material upon any public or private property shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, in which latter case he shall immediately return to the scene of the accident, and in any event he shall remain at the scene of the accident until he has fulfilled the requirements of Section **230.10.2.**

**230.10.2.** The driver of any vehicle involved in an accident resulting in a discharge of any hazardous material shall immediately notify the emergency response authority or a police officer of the discharge and shall give his name, address and the registration number of the vehicle he is driving to the emergency response authority or police officer. The driver shall also give the emergency response authority the name, address and telephone number of the owner of the hazardous material, if known.

**230.10.3.** It shall be unlawful for the driver of any vehicle involved in the discharge of any hazardous material to leave the scene of a hazardous material incident until such material is cleaned up pursuant to the requirements of Section **230.8.**, unless authorized to leave prior thereto by the emergency response authority.

**230.10.4.** It shall be unlawful for any person to intentionally, knowingly or recklessly discharge any hazardous material into or upon any public or private property, unless such discharge is authorized pursuant to Federal, State or local law or regulation.

**230.10.5.** It shall be unlawful for any person to intentionally, knowingly or recklessly discharge any hazardous material into the wastewater treatment works of the Town, including any collection line thereto, unless authorized by the Town Manager or the Wastewater Operator in Responsible Charge.

**230.11. Penalties for Violations.** Any person who violates the provisions of this code as aforesaid shall upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.

(Added January 2, 1997 by Ordinance No. 411)



**250 - EMERGENCY MEDICAL SERVICES**

HISTORY: Added October 23, 1998 by Ordinance No. 424; Amended on December 4, 2014 by Ordinance No. 578.

**250.1. Authority for Establishment and Operations.** The Limon Ambulance Service shall operate as a department of the Town of Limon under the supervision of the Town Manager. As such, the Limon Ambulance Service shall adhere to all policies established for other Town departments. Additionally, policies specifically applicable to the operation of the ambulance service shall be approved by the Town Board of Trustees by Resolution.

**250.2. Board of Trustees**

(Deleted on December 4, 2014 by Ordinance No. 578)

**250.3. Organization and Powers.**

(Deleted on December 4, 2014 by Ordinance No. 578)



**300 - PUBLIC WAYS AND PLACES****310 - PUBLIC PARKS AND ROADWAYS****311 – Parks**

HISTORY: 1958 Municipal Code; Amended on August 1, 1996 by Ordinance No. 402; Amended on April 2, 2015 by Ordinance No. 582.

**311.1. Daily Park Hours.** The parks shall be open daily to the public from five o'clock in the morning until eleven o'clock at night, unless prior written approval is obtained from the Town Manager. No person, except employees of the Town, shall remain in any park at any other time, unless so authorized by written permit.

**311.2. Destruction of Park Property Unlawful.**

**311.2.1.** It shall be unlawful to cut, mark, break, climb upon, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other structures or property within or upon park premises, unless said features are designed for such use.

**311.2.2.** It shall be unlawful to bring upon park premises any vegetation, or take away from any park premises any vegetation, or to go upon the grass, lawn or turf of the parks wherever a sign restricting access is posted.

**311.3. Huckstering Prohibited.** It shall be unlawful to offer any item for sale within the parks except by written permission from the Police Chief of the Town of Limon for use during special events and only after authorization by way of having been issued a Transient Seller's Permit issued by the Town and when such permit stipulates such use.

**311.4. Disturbance of the Peace.** It shall be unlawful, within the parks of the Town of Limon to disturb the peace. Also, see Limon Municipal Code Section 6 3 2 .

**320 - OTHER PUBLIC WAYS****321 - Sidewalks, Curbs and Gutters**

HISTORY: 1958 Municipal Code. Amended on April 2, 2015 by Ordinance No. 582.

**321.1. Permit and Fee for Sidewalk Construction.**

**321.1.1. Permit Required.** No person shall construct, repair or replace any sidewalk or curb in the Town's rights of way within Limon without prior approval of the Town and must comply with development and construction standards then in place as approved by the Board of Trustees by Resolution. The permit shall be issued at no charge.

**321.1.2. Reserved.****321.1.3. Contractor's Guarantee.**

**321.1.3.1.** The contractor shall expressly guarantee all sidewalks they install for a period of one (1) year from and after its final completion and acceptance, and agrees to maintain it and make all necessary repairs of the same during the period above named without additional charge or cost to the property owners or the Town of Limon. This guarantee shall include all repairs necessary due to imperfections or unsuitability of material or composition, too great or too little moisture, defects in workmanship, or settling of fills or excavations, or any change in or damage to the curb by reason of expansion of said sidewalks.

**321.1.3.2.** The determination of the necessity for repairs rests entirely with the Town Manager, or the manager's designee, whose decision shall be final and obligatory upon the contractor and the guarantee herein stipulated shall extend to the whole body of the sidewalk and the repairs required under it may extend to a total reconstruction of the whole body of such sidewalk, if, in the judgment of the Town Manager, such total reconstruction shall become necessary.

**321.1.3.3.** If repairs or reconstruction of any sidewalk shall become necessary as aforesaid, within the said guarantee period and the contractor shall fail or refuse to begin the necessary repairs or reconstruction as herein required, within ten days from the date, the Town Manager shall mail the contractor a written notice to make such repairs or shall fail thereafter to diligently prosecute the same to completion, then the Town may proceed to have said repairs or reconstruction done in any manner and by whomsoever it may deem best, and charge the cost of the same to the contractor, to be recovered by said Town by suit upon the bond of such

contractor or any other method of collection available to the Town.

#### **321.1.4. Permit Application.**

**321.1.4.1.** Every contractor, before laying any curb, gutter or sidewalk within Limon, shall file with the Town Building Department an application for a permit, which application shall describe the location of the proposed sidewalk, the basic composition of the concrete, and shall be signed by the contractor.

**321.1.4.2.** There shall be no fee for such permit and no permit shall be issued except to the property owner or a contractor representing the property owner.

**321.1.4.3.** Contractors shall notify the Town Building Department before commencement of actual construction of the date actual work will be commenced so that inspections can be made by the Town while work is in progress.

**321.1.5. Construction and Materials.** All sidewalks or curbing hereafter laid or constructed in Limon shall be in strict conformity with the rules, regulations and specifications, both as to materials and workmanship, and shall in all aspects comply with the standards and requirements of the Town of Limon as adopted by Resolution of the Board of Trustees, under the supervision and approval of the Town Manager.

**321.1.5.1. Cross Drains, Alley Gutters.** Alley pans and alley curbing shall be installed at the time of constructing the street curb.

**321.1.5.2. Sidewalks in Residence Areas.** Streamlined combination sidewalk and gutter shall be constructed in all residential areas where no curbs or sidewalks have been built adjacent to any frontage within the block and may be constructed within any residential block at the option of the owner of adjacent property or as required by the Land Development Code. Such sidewalk and gutter shall be constructed in accordance with the plans and specifications now or hereafter approved by the Town Board of Trustees by Resolution and on file in the office of the Town Building Department. In instances where a different type of curb, gutter or sidewalk is in place adjacent to any frontage within the block, the new construction may conform to the type thereof with approval of the Town Manager.

#### **321.1.5.3. Curbing in Commercial Areas.**

Curbing in commercial areas shall be a minimum of six-inch head curb with one-inch batter or slope, and twenty-four-inch gutter and in certain circumstances increased dimensions may be required by the Town Manager.

#### **321.1.5.4. Sidewalks in Commercial Areas.**

Sidewalks in commercial areas shall be adjacent to the rear of curb with the expansion joints between the sidewalk and curb and shall comply with the Town's Development Standards as approved by Resolution of the Board of Trustees.

**321.1.5.5. Material from Excavations.** Gutters shall be kept free from obstruction to flow at all times, and all persons are hereby forbidden to deposit any materials which may cause obstruction to flow in the streets, gutters or other drainage ways.

**321.1.5.6. Protection.** All sidewalks and curbs shall be thoroughly protected from injury by heat or cold until it has cured adequately.

**321.1.5.7. Corners.** All sidewalks constructed abutting on corner lots shall be continued beyond the point of junction and to the inner edge of curb lines as established and shall comply with current American Disabilities Act (ADA) and Town of Limon Development standards.

**321.1.5.8. Establishing Grade.** No grades for sidewalks or curbs shall be furnished by the Town to any person, although the grade shall be approved by the Town prior to placement of curb, gutter and sidewalk within any Town rights of way.

**321.1.5.9. Curb Cuts.** No curb shall be cut, or section removed for driveway purposes, unless permission to do so has been granted by the Town Building Department, and then only upon such terms as may be prescribed and allowed for by this Code or the Land Development Code of the Town.



### 330 - MAINTENANCE AND CARE OF PUBLIC PROPERTY

#### 331 - Collection and Removal of Rubbish and Hygienic Regulations Pertaining to Public Rights of Way and Public Property

HISTORY: 1958 Municipal Code. Amended on April 2, 2015 by Ordinance No. 582.

##### 331.1. Improper Accumulation and Storage of Rubbish; Rights of Entry; Nuisance.

**331.1.1.** The Town Manager or the manager's designee may order the person in control of or legally using said public property upon which there is an accumulation of any rubbish, garbage, junk or other waste matter to remove such rubbish, garbage, junk or other waste matter, or in case of garbage to permit the person or company authorized by agreement with the Town of Limon, to remove, within reasonable time if such accumulation is:

**331.1.1.1.** Offensive to sight, or

**331.1.1.2.** In a condition which fosters the propagation of rats or vermin or flies or other insects; or

**331.1.1.3.** Otherwise unsanitary, prejudicial, or in any manner hazardous to the public health or safety.

**331.1.2.** Such order shall be made by certified mail or hand delivered to the owner, occupant, or agent of the owner or may be posted conspicuously at the premises.

**331.1.3.** Such order shall specify a reasonable period within which compliance shall be accomplished.

##### 331.1.4.

(Deleted on April 2, 2015 by Ordinance No. 582)

**331.1.5.** In the event that any order lawfully issued in pursuance of Section 331.1.1. is not complied with in such reasonable time as is specified, the particular instance of improper accumulation or storage of rubbish, junk, or garbage is hereby declared to be a nuisance and may be summarily abated by the Town Manager or the manager's designee.

**331.1.6.** It shall be unlawful to refuse to comply with any order lawfully issued in pursuance of **Section 331.1.1.**

**331.1.7.** It shall be unlawful to hinder, prevent, or refuse to permit any lawful inspection or investigation authorized in pursuance of **Section 331.1.1.**

##### 331.2. Unlawful Disposal and Removal of Rubbish; Town's Authority Over Collection Locations and Processes.

**331.2.1.** It shall be unlawful for any person, firm, or corporation in disposing of or removing any rubbish, or other waste matter, to litter, deposit, or cause to be deposited upon any premises other than those designed and approved for such purpose by the Town Manager or the manager's designee.

##### 331.2.2.

(Deleted on April 2, 2015 by Ordinance No.582)

**331.2.3.** It shall be unlawful to deposit garbage or food processing wastes from canneries, slaughter houses, packing houses, or similar industries, condemned food products, or waste petroleum products at any Town collection site or facility, except when and where permitted and except in accordance with the rules and regulations promulgated by the Town Board of Trustees under the authority of this section.

**331.2.4.** The Town Manager shall have authority to prescribe rules and regulations in the following matters or areas of any official Town collection site:

**331.2.4.1.** Designation of the area.

**331.2.4.2.** Areas segregated within such collection site for the disposal of certain materials;

**331.2.4.3.** Prohibitions of certain materials altogether, as appropriate.

**331.2.4.4.** The Town of Limon shall be the sole provider for collection of refuse in Limon except where the Town of Limon has entered into a contract with a private person or company for the collection of garbage. No one else shall remove or cause to be removed, any garbage from private residences, business establishments or any other places except as approved by the Town Manager in specific situations and under certain circumstances when the Town is unable to provide said service.

##### 331.3. Cleaning Sidewalks.

**331.3.1.** The owner, occupant, or agent or the owner of any building, property, or vacant lot within Limon is required to maintain the sidewalks, the parking and the curbs, i.e., the area from the property line to the

gutter, adjoining said building, property, or vacant lot in a clean condition and to remove snow and ice from adjoining sidewalks as soon as practical but in every case within forty eight (48) hours following a snowfall, except in unusual or extreme circumstances, whereby the time for removal may be extended by the Town Manager.

**331.3.2.** It shall be unlawful to sweep refuse or other waste material into the gutter or other drainage way.

**331.4. Unlawful to Deposit Refuse on Streets, Drainage Ways and Other Public Places.** It shall be unlawful to deposit in or litter any street, alley, or public place with ashes, lawn clippings, branches, sod, earth, sand, gravel, any rubbish, waste paper, garbage or any other waste material.

**331.5. Handbill and Circular Distribution.** If circulars, hand bills, advertisements, or other literature are distributed to private premises the distribution shall be only in compliance with the following procedure:

**331.5.1.** The circulars, handbills, advertisements, or other literature shall first be firmly bound or folded or shall be securely affixed or confined in some position near a principal entrance to minimize the likelihood of dispersal by the wind or the littering of any area. The use of official mailboxes for any use other than official U.S. mail is strictly prohibited.

**331.5.2.** It shall be unlawful not to comply with Section **331.5.1.**, and it shall be unlawful to select or employ any person who distributes circulars, handbills, advertisements, or other printed literature except in accordance **Section 331.5.1.**

**331.5.3.** It shall be unlawful for any person to dispense circulars, handbills, advertisements or other literature within Limon unless the person has complied with **Section 331.5.1** above.

**331.5.4.** This section shall not apply to newspapers or other literature which are ordered by or sold to the owner or occupant of the premises.

### **331.6. Burning of Trash and Waste Material.**

**331.6.1.** It shall be unlawful for any person to burn, or allow to be burned, upon public property or public rights of way controlled by them, any rubbish, waste paper, wood or other inflammable material, except as provided by code or ordinance by the Town Board of Trustees.

**331.6.2.** No waste paper or other rubbish that has a tendency to blow with the wind or float in the air shall be burned on public property except in a container of wire, metal, block, or other non-flammable material specifically designed for such use or as a controlled burn and in either case must be approved to do so by the Town and the Limon Area Fire Protection District.



## **340 - OCCUPANCY OF PUBLIC PROPERTY**

### **341 - Parades, Assemblies and Meetings**

HISTORY: 1958 Municipal Code. Amended on April 2, 2015 by Ordinance No. 582.

#### **341.1. Permits Necessary for Processions and Open Air Meetings.**

**341.1.1.** No parade or procession shall be allowed upon any street or public way in the Town, nor shall any open-air public meetings be held upon any ground abutting upon any street or public way in the Town, until a permit in writing therefore shall first be obtained from the Chief of Police or chief's designee.

**341.1.2.** Application to conduct such parade or procession or open air meeting shall be made in writing to the Chief of Police by the person or persons in charge or control of or responsible therefor a minimum of seventy two (72) hours prior to the desired start time of the procession or open air meeting.

**341.1.3.** Such application shall, in the case of a parade or procession, set forth the route along which such parade or procession is to proceed, the time of starting, the name or names of the person, firm, corporation, or society in control thereof or responsible therefor, and the purpose of such parade or procession.

**341.1.4.** In case of an open air meeting, the application shall specify the place at which it is desired to hold such meeting, the purpose thereof, the name of the person, firm, corporation, or society in control thereof or responsible therefor, the time at which such public meeting is to be held, and the probable duration thereof.

**341.1.5.** Upon such application being made, the Chief of Police shall investigate or cause to be

investigated the person, corporation, or society making such application.

**341.1.6.** If the Chief of Police determines the purpose of the parade to be controversial in nature, the Town reserves the right to restrict the area, the time and the length of the parade, procession or open-air meeting in order to minimize safety concerns while yet preserving the freedom of speech. The permit issued will indicate such limitations, and will be issued without fee or charge, except in certain circumstances whereby the Town incurs significant cost to assure the safety of the community and in such case the cost incurred will be passed on to the organizers of said event.

**341.1.7.** Said permit may be revoked at any such time the Chief of Police deems such a parade, procession or open-air meeting will unduly create a public safety concern.



**350 - SURVEY AND PLATTING**

**351 – Excavation**

HISTORY: 1958 Municipal Code. Amended on April 2, 2015 by Ordinance No. 582; also refer to Chapter 100, Section 165 of this code.

**351.1. Unlawful to Excavate Without a Permit.** It shall be unlawful for any person, firm, or corporation to dig up, open, or excavate, or cause to be dug up, opened, or excavated, any street, alley, sidewalk, or other public place within the corporate limits of the Town of Limon, without first having secured a permit therefor from the Town as provided in Chapter 100, Section 165, of the Limon Municipal Code. Such permit shall be kept at the site of the excavation while the work is in progress and shall be exhibited upon request to any police officer or official representative of the Town.

**351.1.2.** An excavation permit shall not be required for work on sidewalks, curbs, gutters, or driveways if such work is done in accordance with the terms and provisions of the Municipal or Land Development Code and Town of Limon Development Standards relating thereto.

**351.2. Unauthorized Removal of Safety Appliance Unlawful.** It shall be unlawful to damage, displace, remove, or interfere with any traffic cone, barrier, barricade, warning light, or any other safety appliance which is lawfully placed around or about any

street, alley, sidewalk, or other excavation or construction work site in the Town of Limon.

**351.3. Unlawful to Obstruct Construction Operations.** It shall be unlawful to hinder or obstruct any paving operations, street surface maintenance operations or excavations conducted in conformance with the provisions of this Code.

**351.4. Liability for Damages.** Any person, firm, or corporation who shall undertake work pursuant to a permit issued under the provisions of this Code, or to perform work under contracts with the Town of Limon or by virtue of permission obtained from the Town Manager or the manager's designee in accordance with the provisions of codes and/or ordinances of the Town of Limon, shall be answerable for any damage occasioned to persons, animals, or property by reason of carelessness or negligence connected with such work.



**352 - Street and Building Numbering System**

HISTORY: 1958 Municipal Code; Amended on October 3, 1996 by Ordinance No. 405; Amended on April 2, 2015 by Ordinance No. 582.

**352.1. Every Building to Be Numbered.** It is the duty of the owner or occupant of every building in the Town of Limon to number each such building in the manner provided herein.

**352.2. Assignment of Number by Town .** The Town Manager shall assign to every building its proper number.

**352.3. Assignment of Building Numbers.**

**352.3.1.** Numbers heretofore assigned to lots or buildings, except as hereinafter provided, shall remain the numbers of such lots or buildings respectively.

**352.3.2.** In cases of mistake or conflict in street names or building numbers, the Town Manager shall direct and make proper adjustments in accordance with the spirit of this code.

**352.4. Duty to Use Assigned Numbers.**

**352.4.1.** It is the duty of the owner or occupant of any buildings upon the streets of Limon upon which the said system of numbering has been adopted and in which official numbers have been provided for by assignment by the Town to number their building in accordance with the assignment.

**352.4.1.1.** The assigned number shall be displayed on the front facing wall or door of the building in such location and of adequate size to be visible from the street directly in front of the main entry of the building, and in no case shall the number be smaller than four inches high.

**352.4.2.** It shall be unlawful for any such owner or occupant to retain or use or to permit to be retained or used upon any such building any number other than the number designated by assignment by the Town. Failure to do so within thirty (30) days' notice will result in a penalty as provided in Section 111.2.4 of the Limon Municipal Code.

**360 - PERSHING MEMORIAL CEMETERY**

Entire Chapter added by Ordinance No. 488 on December 29, 2003; Amended on March 6, 2014 by Ordinance No. 570; Amended on April 2, 2015 by Ordinance No. 582.

**360.1. Establishment and Control.**

**360.1.1.** The Town has established a municipally-owned cemetery, known as Pershing Memorial Cemetery, herein called the "Cemetery".

**360.1.2.** The Board of Trustees shall have control of the operation of the Cemetery through the establishment of rules, regulations and fees as recommended by the Cemetery Board.

**360.1.3.** The Town Manager or designee shall serve as the sexton and have responsibility for the operation and maintenance of the Cemetery.

**360.1.4.** The Town Clerk shall have the responsibility for the sale of lots, recording of purchases and interments, and the maintenance of the Cemetery map.

**360.2. Cemetery Fees.** The Board of Trustees shall determine the Cemetery fees including the purchase price of a lot, the cost of opening and closing the grave and a perpetual care fee and other fees as established by resolution.

**360.3. Conditions of Sale and Conveyance.**

**360.3.1.** Upon full payment of the purchase price of the lot to the Town Clerk, the Town Clerk shall deliver a properly executed deed of conveyance.

**360.3.2.** The rights, title and interest acquired by any person in and to any lot in the Cemetery shall be subject to the following conditions:

**360.3.2.1.** No cemetery lot shall be transferred by a purchaser, successors or assigns for any reason.

**360.3.2.2.** Any purchaser or the legally authorized representative of a deceased purchaser wishing to resell a cemetery lot shall sell the lot only to the Town, in which case the Town shall pay the price which was originally paid for the lot, as noted on the deed or in the Town records, subject to availability of funds for such repurchase. The Town shall sell the lot at the current resell price.

**360.3.3.** Nothing in this section shall be construed to permit the sale or conveyance of any cemetery lots, which have been used for interment.

**360.3.4.** The Town reserves the right to designate certain lots as unavailable for sale.

**360.4. Grave Openings and Closings.**

**360.4.1.** The Town Clerk shall be notified at least two working days (exclusive of holidays) before a funeral, unless the service is for an immediate burial request.

**360.4.2.** No lot or grave shall be opened, closed, filled, sodded or revegetated, except by Town employees, under the direction of the Town Manager or designee.

**360.4.3.** No burial of the remains of other than the immediate family of the owner of the lot shall be permitted until a signed written notice is filed by the owner, his heirs, or his assignees in the office of the Town Clerk.

**360.4.4.** One casket may be interred in each lot. Instead of a single casket, up to four cremains may be interred in a single space. In Sections 6 through 10 one

cremains can be added to a lot with an existing casket, but those cremains must be those of an immediate family member, which for the purposes of this ordinance must be a spouse, parent or child of the occupant within the casket.

**360.4.5.** No animals shall be buried in the Cemetery.

**360.4.6.** No disinterments shall be allowed without permission of the State of Colorado in accordance with applicable statutes and regulations, and without the permission of the owner of the lot or the surviving next of kin of the deceased. If the consent of such persons cannot be obtained, an order of the County Court shall be sufficient.

**360.4.7.** Arrangements for disinterment shall be made with the Town Manager. No disinterment shall be made except by Town employees, or as otherwise provided for by law.

**360.4.8.** The Town shall not be liable for any injury or damage, including but not limited to, damage to monuments, markers, caskets, liners, and vegetation for a disinterment.

**360.4.9.** All caskets and urns will be enclosed in an approved concrete, stone or fiberglass outer burial container.

**360.4.10.** No burials will be permitted on Sunday or holidays without the prior approval of the Town or on the recommendation of the Colorado Department of Public Health and Environment Department.

### **360.5. Monuments and Markers.**

**360.5.1.** Every grave shall be marked with a permanent marker or monument.

**360.5.2.** No marker or monumental work shall be permitted on weekends or holidays without prior approval of the Town Manager.

**360.5.3.** The Town Manager shall be notified four days before a monument or marker is placed on lot(s) to allow sufficient time for the gravesite(s) to be located.

**360.5.4.** The Town shall assume no responsibility for the correct location of any monument or marker, and any changes resulting from incorrect placement will be made at the lot owner's or monument firm's expense.

**360.5.5.** Monument and Marker firms or installers shall be held responsible for any damage done by them to other monuments, markers, grass, trees, walkways, roads, etc., in the Cemetery.

**360.5.6.** All monuments and markers shall be constructed of marble, bronze, granite, or other permanent materials specifically approved by the Town.

**360.5.7.** All monuments and markers shall be set at the head of the lot.

**360.5.8.** Vertical or ground level monuments and markers will be allowed in Sections 1-9 as they are developed.

**360.5.9.** Vases included on flat, ground level monuments and markers, shall be of the "flip down", inverted, type construction to facilitate flush consistency with the monument or marker when inverted.

**360.5.10.** Only one monument or marker will be allowed for each lot, even if more than one cremains exists in said lot.

**360.5.11.** No lot shall be marked or defined by any fence, coping, railing, hedge or embankment, nor shall any lot be filled above the established grade.

**360.5.12.** The use of tiles, bricks, gravel, crushed rock, shells, or other similar materials are prohibited.

**360.5.13.** No monument or marker will be permitted which is cut in the silhouette of dogs, cattle, any animal or any grotesque figure.

**360.5.14.** A 5-inch concrete platform will surround the edge of the monument or marker.

### **360.6. Decoration of Lots.**

**360.6.1.** Planting of live flowers, bushes or trees of any kind is prohibited on the lot and will be removed by the Public Works Department.

**360.6.1.1.** Artificial or fresh cut flowers may be placed on the lot in a metal or plastic vase at any time.

**360.6.1.2.** Glass containers are prohibited.

**360.6.1.3.** Artificial or fresh cut flower sprays, wreaths, and evergreens may be placed on the lot, but must be placed in a location as not to interfere with the routine maintenance of the lot, such as on the marker, monument or concrete platform.

**360.6.1.4.** All decorations will be discarded when dead, faded, broken, or otherwise in unsightly condition.

**360.6.2.** Small U.S. flags and memorial flags and military service markers are permitted on the lot.

**360.6.3.** All other decorations are prohibited.

**360.7. Maintenance Responsibilities.** The Town shall care for and maintain all roads, walks, pathways, grass, ground, shrubbery and improvements in the Cemetery; provided, however that lot owners are to maintain all monuments and markers erected on their lots.

**360.8. Supervision of Funerals.**

**360.8.1.** All funerals, upon arrival at the Cemetery, shall be under the direct supervision of the Town Manager or designee, which may include other Town staff or licensed mortician.

**360.8.2.** The Town Manager shall not permit the interment or other disposition of any body in the Cemetery unless the body is accompanied by a burial, removal or transit permit.

**360.8.3.** Permits shall be filed with the county of record.

**360.9. Prior Internment.**

**360.9.1.** Nothing herein shall be construed to affect or alter the rights of persons who, prior to the adoption of this chapter, were interred in the Cemetery.

**360.9.2.** The Town Clerk shall maintain a list of all prior interments, within the limits of reasonably available interment information.

**360.10. Liability.** The Town shall not be liable for any injury or damage to any cadaver, personal effects, monument, marker, landscaping, improvement, or other structure or item in the Cemetery resulting from any cause beyond its reasonable control.

**360.11. Burial in Approved Cemetery Within Town Required.** The interment of any deceased person within the corporate limits of the Town, except in the duly authorized cemetery by authorized personnel of the Town, is prohibited.

**360.12. General Rules and Penalty.**

**360.12.1.** The Cemetery shall be open to the public from sunrise to sunset.

**360.12.2.** Visitors are reminded that the grounds are sacredly devoted to the interment of the dead, and that strict observance to appropriate decorum will be required of all.

**360.12.3.** The Chief of Police or the chief's designee is authorized to limit the access of those wishing to express opinions of descent to a specific event as provided in C.R.S. 18-9-108.

**360.12.4.** No person or persons shall be allowed to desecrate the cemetery by removing, destroying, or defacing the flowers, shrubs, trees, monuments, markers or anything or object placed therein for the beautification of the cemetery; or by allowing any livestock and domestic animals to gain access to the cemetery.

**360.12.5.** Taking flowers, unless those from next of kin, is strictly prohibited.

**360.12.6.** Visitors must keep vehicles only on designated roadways.

**360.12.7.** The Town shall have the right to refuse any portion of any parcel of the cemetery for the use of any specific person or activity.

**360.12.8.** No advertisement of any form will be permitted in the cemetery, only discreet informational tags of service rendered in dimensions of no more than 2 inches by 3 inches.

**360.12.9.** Any person who violates the provisions of this code shall, upon conviction, be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.



**400 -- ORDINANCES**

**410 - Ordinances Not Repealed**

HISTORY: 1958 Municipal Code; amended by Ordinance No. 593 on June 2, 2016.

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

**410.1.1.** Creating, opening, dedicating, naming, renaming, vacating or closing specific streets, alleys and other public ways.

**410.1.2.** Establishing the grades or lines of specific streets, sidewalks and other public ways.

**410.1.3.** Authorizing or relating to specific issuances of general obligation or special revenue bonds.

**410.1.4.** Creating specific sewer and paving districts and other local improvement districts.

**410.1.5.** Authorizing the issuance of specific local improvement district bonds.

**410.1.6.** Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.

**410.1.7.** Annexing territory to or excluding territory from the Town.

**410.1.8.** Dedicating or accepting any specific plat or subdivision.

**410.1.9.** Calling or providing for a specific election.

**410.1.10.** Authorizing specific contracts for purchase of beneficial use of water by the Town.

**410.1.11.** Approving or authorizing specific contracts with the State, with other governmental bodies or with others.

**410.1.12.** Authorizing a specific lease, sale or purchase of property.

**410.1.13.** Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.

**410.1.14.** Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.

**410.1.15.** Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.

**410.1.16.** Setting rates, tolls and charges for any water, sewer, utility or proprietary fee, unless otherwise specifically set forth in this Code.

**410.1.17.** Appropriating money.

**410.1.18.** Levying a temporary tax or fixing a temporary tax rate.

**410.1.19.** Relating to salaries.

**410.1.20.** Amending the Official Zoning Map.

**410.1.21.** Creating or amending the Land Development Code of the Town of Limon.



**411 - Use, Storage, and Sale of Inflammable Liquids**

HISTORY: Adopted November 6, 1924 by Ordinance No. 24; amended by Ordinance No. 593 on June 2, 2016.

**411.1.** This code shall apply to all plants, systems, equipment or devices hereinafter constructed or installed within the Town of Limon for the use, handling, storage or sale of gasoline, propane, compressed or liquefied natural gas or other inflammable materials, and to existing plants, systems, equipment or devices, when in the judgment of the Town Manager the same constitutes a menace to life or property.

**411.2.** It shall be unlawful for any person, firm or corporation to keep or have in excess of fifty (50) gallons of gasoline, propane, compressed or liquefied natural gas or other inflammable material on any premises within the Town of Limon.

**411.2.1.** The exception for Section **411.2** shall be any commercial storage of gasoline, propane, compressed or liquefied natural gas or other inflammable

material regulated by the Colorado Division of Oil and Public Safety under C.R.S. Title 8, Article 20 – Fuel Products and compliant with the Town of Limon Land Development Code.

**411.3.** Deleted by Ordinance No. 593 on June 2, 2016.

**411.4.** Deleted by Ordinance No. 593 on June 2, 2016.

**411.5.** Deleted by Ordinance No. 593 on June 2, 2016.

**411.6.** By special permission of the Town Manager or manager’s designee, temporary storage tanks above the ground may be permitted in sparsely populated sections of the town but not within two hundred feet of any buildings except those used in connection therewith.

**411.7.** The drawing of inflammable liquids from tank cars shall not be permitted at any location where in the judgment of the Town Manager or the manager’s designee such operation would be unsafe to life and property. The person or firm to whom such tank cars are consigned shall empty such cars within a period of twelve hours, and shall complete the emptying within twenty-four hours from the time such tank cars are placed in possession for unloading.

**411.8.** Deleted by Ordinance No. 593 on June 2, 2016.

**411.9.** Deleted by Ordinance No. 593 on June 2, 2016.

**411.10.** Deleted by Ordinance No. 593 on June 2, 2016.

**411.11.** Each tank delivery truck, semitrailer, or truck trailer for bulk storage shall be regulated by Colorado Division of Oil and Public Safety under C.R.S. Title 8, Article 20 – Fuel Products and/or other state and federal regulations.

**411.12.** Oil burners and systems for domestic heating in stoves and furnaces shall not be used or installed unless installed in accordance with the current fire code adopted by the Town of Limon and approved by the National Fire Protection Association, and such standards are hereby made a part of the requirements of this code.

**411.13.** No dry-cleaning establishment or automobile garage, repair shop or other business using or keeping on hand at any one-time gasoline or other highly volatile inflammable liquids in quantities exceeding five gallons shall hereafter be allowed in any building which is occupied above the first floor as a place of public assemblage, or as a factory employing over five persons, or as a hotel, rooming house or for dwelling purposes.

**411.14.** Any person, firm or corporation who shall violate any provision of this code shall, upon conviction, be fined in a sum of not less than twenty (\$20.00) nor more than five hundred dollars (\$500.00) for each offense.



**412 - Sale and Use of Fireworks**

HISTORY: Adopted August 3, 1939 by Ordinance No. 107; amended completely on June 27, 2002 by Ordinance No. 474

**412.1. DEFINITIONS.** The following words shall have the stated meanings for purposes of this Code:

**412.1.1. Display retailer:** any person licensed with the State of Colorado pursuant to Title 12, Article 28, of the Colorado Revised Statutes, and given the authority to store and/or sell fireworks.

**412.1.2. Fireworks:** any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation which meets the description of fireworks as set forth in the United States Department of Transportation Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100. "Fireworks" does not include toy caps which do not contain more than twenty five hundredths of a grain of explosive compound per cap, highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices, or educational rockets, toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges designed to be ignited by electrical means, or fireworks which are used in testing or research by a licensed explosive laboratory.

**412.1.3. Permissible Fireworks:** means the following items designed primarily to produce visual or audible effects by combustion, including certain devices designed to produce audible or visual effects, except that no device or component shall, upon functioning, project or disburse any metal, glass, or brittle plastic fragments:

**412.1.3.1.** Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside diameter shall not exceed three-quarters of one inch.

**412.1.3.2.** Cone fountains, total pyrotechnic composition not to exceed fifty grams each in weight.

**412.1.3.3.** Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half of one inch.

**412.1.3.4.** Ground spinner, a small device containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground.

**412.1.3.5.** Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

**412.1.3.6.** Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, of which the composition of any chlorate or perchlorate shall not exceed five grams.

**412.1.3.7.** Explosive auto alarms, as described in Title 49, code of federal regulations, part 173.100.

**412.1.3.8.** Toy propellant devices and toy smoke devices, as described in Title 49, code of federal regulations, part 173.100.

**412.1.3.9.** Cigarette loads, as described in Title 49, code of federal regulations, part 173.100.

**412.1.3.10.** Trick matches, consisting of book matches, strike-any-where matches, or strike-on-box matches, as described in Title 49, code of federal regulations, part 173.100.

**412.1.3.11.** Trick noise makers, as described in Title 49, code of federal regulations, part 173.100.

**412.1.3.12.** Snake or glow worm, pressed pellets of pyrotechnic composition that produce a large snake-like ash upon burning.

**412.1.3.13.** Novelties consisting of two or more devices enumerated in this Section **412.1.3.**

**412.1.4. Person:** an individual, partnership, firm, company, business, association, corporation, or governmental entity.

## **412.2. UNLAWFUL USE OR SALE OF FIREWORKS.**

Except as provided for in this Code, the following is declared to be unlawful and punishable as set forth herein:

**412.2.1.** No person shall sell, offer for sale, expose for sale, possess with intent to sell, import, export, or store fireworks or permissible fireworks unless and until such person has been appropriately licensed by the State of Colorado pursuant to the provision of Title 12 Article 28 of the Colorado Revised Statutes. Such license and/ or permit shall be appropriately displayed at the person's place of business with all required state notices and warnings.

**412.2.2.** It shall be unlawful for any person who is under sixteen years of age to purchase any fireworks, including those defined as permissible fireworks. However, at all times that it is lawful for any person over the age of sixteen years to possess and discharge permissible fireworks, it shall also be lawful for a person under the age of sixteen years to possess and discharge permissible fireworks, if such person is under adult supervision.

**412.2.3.** Except as set forth in Section **412.3.** it shall be unlawful for any person to possess or discharge any fireworks, other than permissible fireworks.

**412.2.4.** Section **412.2.** shall not be construed so as to prevent the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the use of blank cartridges for a show, theatrical production, or for ceremonial purposes in athletic or sporting events, or use by military organizations. Further this section shall not be construed to prevent the sale, purchase, possession, or use of fireworks distributed by the division of wildlife for agricultural purposes under condition approved by the division or the sale, delivery, consignment, gift, or furnishing of fireworks among display retailers, wholesalers, or exporters licensed under the laws of this state.

## **412.3. PERMITTED DISPLAY AND USE OF**

**FIREWORKS.** As allowed by state statute, the Town or its authorized agent or agents, is authorized to store and use fireworks at scheduled public events, including but not limited to Independence Day celebrations, and to adopt such reasonable rules and regulations as may be necessary for the safety of the citizens and property. Further, the Town, retains the power to grant non-transferable and non-assignable permits within the Town limits for the use and display of fireworks by any person, fair association, amusement park, or other similar organizations or groups, provided that such person or

entity complies with any and all reasonable rules and regulations that may be imposed by the Town as a condition for the granting of such permit.

**412.4. EMERGENCY PROHIBITION OF THE USE OF FIREWORKS AND PERMISSIBLE FIREWORKS BY RESOLUTION.** In the event that the Governor of the State of Colorado, State Legislature, or other local, state, or federal governmental entity, endowed with decision making authority concerning the use of fireworks or permissible fireworks, or in the event that the Town Board, due to dry weather conditions, or other factors which through the danger of fire present a health and safety concern to the citizens and property of the Town, determine that a total prohibition of the use, sale, and possession of fireworks and permissible fireworks is necessary and required, then the Board through emergency Resolution, may prohibit the use, sale, and possession of fireworks for such time and under such conditions as the Board deems necessary for the health, safety, and welfare of its citizens and property.

**412.5. PENALTY.** Any person found to have violated the terms of this Section **412** shall be subject to a fine in an amount not to exceed Five Hundred Dollars (\$500.00) per occurrence. In addition, the Municipal Court Judge may require restitution and costs from the violator in an amount sufficient to cover any damage or injury caused by the unauthorized use, sale, or possession of fireworks or permitted fireworks.



**413 - Closing Hours for Pool Halls**

HISTORY: Adopted February 6, 1941 by Ordinance No. 110. Deleted in its entirety on October 6, 1994 by Ordinance No. 380



**414 - Garbage Tax**

HISTORY: Adopted April 5, 1951 by Ordinance No. 135. Deleted in its entirety on October 8, 1994 by Ordinance No. 380



**415 - Licensing and Regulating Coin Operated Amusements**

HISTORY: Adopted March 15, 1957 by Ordinance No. 160. Deleted in its entirety on June 1, 1995 by Ordinance No. 388.



**420 – Historical Numbered Designations of Ordinances**

Section **420** precedes the ordinance number below only in this section for documentation and organizational purposes. The second number is the actual ordinance number passed by the Town Board of Trustees, since The Town Board’s first meeting held on December 30<sup>th</sup>, 1909; if data is available. In the documentation of bond issues parenthesis represent the computed maturity dates and brackets represent the actual retired date, again, if data is available.

- 420.1. Rules and Orders of Business; December 30<sup>th</sup>, 1909**
- 420.2. Rules and Orders of Business: January 13<sup>th</sup>, 1910.**
- 420.3. Relating to Officers, Appointments, Duties, and Compensation: January 13, 1910**
- 420.4. Board of Trustees – Yeas & Nays: January 13, 1910**
- 420.5. Related to Licenses: January 27, 1910**
- 420.6. Relating to Misdemeanors: January 20, 1910**
- 420.7. Relating to Police Magistrates Court: February 3, 1910**
- 420.8. Relating to Dogs: February 11, 1910**
- 420.9. Relating to Animals: February 11, 1910**
- 420.10. Appropriating the Funds: March 31, 1910**
- 420.11. Licensing & Regulating Real Estate Brokers: April 28, 1910**
- 420.12. Repealing Ordinance No. 11: May 12, 1910**
- 420.13. Calling of Special Election for Constructing a Waterworks System: July 14, 1910**
- 420.14. Not Available**

- 420.15.** Grant Certain Privileges to Colorado Telephone Company: August 4, 1910
- 420.16.** Issuing of Bonds for Waterworks For Fire & Domestic; October 1, 1910
- 420.17.** Issuing of Bonds for Construction of Waterworks: January 1, 1911
- 420.18.** Fixing Rates for Water Supply: May 4, 1911
- 420.19.** Appropriating Funds starting April 1, 1912: March 30, 1912
- 420.20.** Granting Albert Jahl to Construct & Operate Electric Light & Power: December 26, 1912
- 420.21.** Special Election for Ordinance 20: December 26, 1912
- 420.22.** Creating the Office of City Inspector to Inspect Electric Wiring: January 23, 1913
- 420.23.** Appropriating Funds: March 28, 1913
- 420.24.** Public Health & Sanitation Regulations: May 2nd, 1913
- 420.24.** Duplicate# -Appropriating Funds for 1914 Fiscal Year: March 31st, 1914
- 420.25.** Granting a Franchise to Walter Weem (Not Executed.
- 420.26.** Appropriating Funds: March 25, 1915
- 420.27.** Creation of Limon Sewer District No. 1 and Bonds.: April 23, 1915
- 420.28.** Concerning Sewer in Sewer District No. 1: September 16, 1915
- 420.29.** Fixing Rates for Water Supplied: February 10, 1916
- 420.30.** Approving Cost of Sewer District No. 1: March 4, 1916
- 420.31.** Appropriating Funds for April 1<sup>st</sup> 1916: March 4, 1916
- 420.32.** Issuing Bonds for Construction Improvements & Extension of Waterworks: March 4, 1916
- 420.33.** Fixing License Fees: January 4, 1917
- 420.34.** Amending Part of Ordinance No. 32: January 4, 1917
- 420.35.** Appropriating Funds: March 1, 1917
- 420.36.** Creating Office of City Inspector: August 2, 1917
- 420.37.** Establishing Rates of Electric Service: December 6, 1917
- 420.38.** Related to Construction of Sidewalks: June 6, 1918
- 420.39.** Appropriating Funds Beginning April 1<sup>st</sup>, 1919: April 12, 1919
- 420.40.** Amending Ordinance No. 18 – Water Tap Fee: May 17, 1919
- 420.41.** Limon Water Bonds 1919: July 1, 1919
- 420.42.** Limon Water Bonds 1919: July 1, 1919
- 420.43.** Funding Bonds for Outstanding Debt: April 1, 1920
- 420.43 ½ .** Appropriating Funds for Fiscal year beginning April 1<sup>st</sup>, 1920: February 5, 1920
- 420.44.** Regulation of Traffic: August 9, 1920
- 420.45.** Relating to Misdemeanors: September 2, 1920
- 420.46.** Relating to Dogs: November 4, 1920
- 420.47.** Negotiable Coupon Bonds - Refunding Waterwork Bonds: December 1, 1920
- 420.48.** Fixing License Fees: December 1, 1921
- 420.49.** Providing for Fire Limits: February 2, 1922
- 420.50.** Relating to Dogs: February 2, 1922
- 420.51.** Issuing & Selling of Coupon Bonds: August 1, 1922
- 420.52.** Establishing Rates for Electric Service: September 7, 1922
- 420.53. & 420.54.** Special Election – Sale of Old Pumphouse Property: September 7, 1922
- 420.55.** Appropriating Funds Beginning April 1<sup>st</sup>, 1923: November 2, 1922
- 420.56.** Not Available
- 420.57.** Not Available
- 420.58.** Not Available
- 420.59.** Not Available
- 420.60.** Not Available
- 420.61.** Not Available
- 420.62.** Issuing Bonds for Erecting a Public Building: April 5, 1923
- 420.63.** Not Available
- 420.64.** Vacating a Portion of Second Street.

- 420.65.** Establishing Street Grade and Elevations; July 5<sup>th</sup>, 1923.
- 420.66.** Appropriating Funds Beginning April 1, 1924: November 1, 1923
- 420.67.** Fixing Water Rates: August 7, 1924
- 420.68.** Use, Storage, and Sale of Inflammable Liquids: November 6<sup>th</sup>, 1924.
- 420.69.** Establishing Salary for Mayor: March 5, 1925
- 420.69.** Duplicate # - Appropriating Funds for 1926 Fiscal Year: November 5, 1925.
- 420.70.** Establishing Salary for Board of Trustees: March 5, 1925
- 420.71.** Purchase of Engine for Light & Water Plant: January 21, 1926
- 420.72.** Extension of Sidewalk on E Avenue: March 4, 1926
- 420.73.** Appropriate Funds for 1927 Fiscal Year: November 4, 1926
- 420.74.** Election to Sell the Power Plant to Commonwealth Utilities: February 28, 1927
- 420.75.** Commonwealth Utilities Right to Operate Power Plant: May 6, 1927
- 420.76.** Appropriate Funds for 1929 Fiscal Year: October 4, 1928
- 420.77.** Regulating Traffic Upon Public Streets: November 6, 1928
- 420.78.** Defining & Fixing of Fire Limits: August 1, 1929
- 420.79.** Appropriating Funds for 1930 Fiscal Year: November 7, 1929
- 420.80.** Relating to Intoxicating Liquor: August 7, 1930
- 420.81.** Not Available
- 420.82.** Appropriating Funds for 1931 Fiscal Year: November 6, 1930
- 420.83.** Owners of Real Estate must Construct Sidewalk: November 15, 1930
- 420.84.** Relating to Snow and Ice on Sidewalks: January 2, 1931
- 420.85.** Vacating Certain Streets: June 4, 1931
- 420.86.** Unlawful to Attach Anything to Power Poles: September 4, 1931
- 420.87.** Relating to Production & Sale of Milk in Town Limits: November 1931
- 420.88.** Appropriating Funds for 1932 Fiscal Year: January 7, 1932
- 420.89.** Appropriating Funds for 1933 Fiscal Year: November 3, 1932
- 420.90.** Relating to Production and Sale of Milk & Cream: December 1, 1932
- 420.91.** Appropriating Funds for 1934 Fiscal Year: October 5, 1933
- 420.92.** Improvements to Waterworks: May 14, 1934: May 14, 1934
- 420.93.** Regulate the Use of Streets: June 2, 1934
- 420.94.** Selling of Waterworks Coupon Bonds: June 7, 1934
- 420.95.** Creation of Limon Special Improvement District No. 2.
- 420.96.** Cost of Special Improvement District No. 2: September 7, 1934
- 420.97.** Amending Ordinance 93 – Use of Streets: September 6, 1934
- 420.98.** Appropriating Funds for 1935 Fiscal Year: October 4, 1934
- 420.99.** Appropriating Funds for 1936 Fiscal Year: November 7, 1935
- 420.100.** Appropriating Funds for 1937 Fiscal Year: October 1, 1936
- 420.101.** Establishing on Curb & Sidewalk Grade on Main Street: March 23, 1937
- 420.102.** Necessity of Construction of Curb & Sidewalk: June 3, 1937
- 420.103.** Appropriating Funds for 1938 Fiscal Year: October 7, 1937
- 420.104.** Assessing the Cost of Construction of Sidewalk: December 2, 1937
- 420.105.** Franchise - Mountain States T. and T. Co.: June 3, 1938
- 420.106.** Appropriating Funds for 1939 Fiscal Year: October 6, 1938
- 420.107.** Sale and Use of Fireworks: August 3<sup>rd</sup>, 1939.
- 420.108.** Appropriating Funds for 1940 Fiscal Year: October 5, 1939
- 420.109.** Appropriating Funds for 1941 Fiscal Year: October 4, 1940

- 420.110.** Closing Hours for Pool Halls: February 6<sup>th</sup>, 1941. Repealed by Ordinance No. 380.
- 420.111.** Appropriating Funds for 1942 Fiscal Year: October 2, 1941
- 420.112.** Relating to Civilian Defense: June 1942
- 420.113.** Appropriating Funds for 1943 Fiscal Year: November 6, 1942
- 420.114.** Appropriating Funds for 1944 Fiscal Year:
- 420.115.** Appropriating Funds for 1945 Fiscal Year:
- 420.116.** Appropriating Funds for 1946 Fiscal Year:
- 420.117.** Submission of a Vote for Acquiring Land for an Airport: February 26, 1946
- 420.118.** Establishment of a Sinking Fund for Purchase of Street Lights: March 1946
- 420.119.** Appropriating Funds for 1947 Fiscal Year: October 4, 1946
- 420.120.** Airport Bonds: 1947
- 420.121.** Increasing the 1947 Budget, Cancelling Ordinance 119: November 14, 1946
- 420.122.** Water Bonds; \$18,000: May, 1966.
- 420.123.** Gas Line Franchise - Loran L. Laughlin: April 15<sup>th</sup>, 1947.
- 420.124.** Appropriating Funds for 1948 Fiscal Year: October 27, 1947
- 420.125.** Regulating Traffic of Bicycles on Public Streets: November 6, 1947.
- 420.126.** Franchise - Mountain View Electric Association.
- 420.127.** Providing Fire Protection & Creating Fire Department: April 1, 1948.
- 420.128.** Water Rates: June 3, 1948.
- 420.129.** Appropriating Funds for 1949 Fiscal Year: October 8, 1948.
- 420.130.** Water Bonds; \$10,000: 1960.
- 420.131.** Appropriating Funds for 1950 Fiscal Year: October 6, 1949
- 420.132.** Defining of Garbage, Rubbish & Waste Matter: December 1, 1949.
- 420.133.** Appropriating Funds for 1951 Fiscal Year: October 13, 1950
- 420.134.** Water Bonds; \$20,000: 1966.
- 420.135.** Garbage Tax: April 5<sup>th</sup>, 1951. Repealed by Ordinance No. 246 & 380.
- 420.136.** Vacating Certain Streets; May 3<sup>rd</sup>, 1951.
- 420.137.** Vacating Certain Alley; May 3<sup>rd</sup>, 1951.
- 420.138.** Social Security Benefits: July 5, 1951
- 420.139.** Appropriating Funds for 1952 Fiscal Year: October 1951
- 420.140.** Water Bonds; \$20,000: 1962.
- 420.141.** Licensing the Business of Selling Cigarettes: August 7, 1952.
- 420.142.** Appropriating Funds for 1953 Fiscal Year: October 2, 1952
- 420.143.** Regulating Operation of Coin Operated Amusement Games: May 1, 1952
- 420.144.** Water Rates: August 6, 1953
- 420.145.** Annexation of Land; October 1<sup>st</sup>, 1953.
- 420.146.** Annexation of Land: October 1<sup>st</sup>, 1953.
- 420.147.** Appropriating Funds for 1954 fiscal Year: October 12, 1953
- 420.148.** Appropriating Funds for 1955 Fiscal Year: October 12, 1954
- 420.149.** Water Bonds: \$80,000: 1955.
- 420.150.** Appropriating Funds for 1956 Fiscal Year: October 6, 1955
- 420.151.** Penalties for Non-Payment of Water Usage: February 9, 1956
- 420.152.** Franchise - Bender Community TV Company: March 1<sup>st</sup>, 1956.
- 420.153.** Bonds. Public Park; February 6, 1956
- 420.154.** Bonds, Water; \$50,000: 1972.
- 420.155.** Bonds, Pool; \$35,000: 1970.
- 420.156.** Election for Funding Legal Floating Indebtedness: May 31, 1956.
- 420.157.** Bonds, Pool; \$15,000: 1971.
- 420.158.** Appropriating Funds for 1957 Fiscal Year:
- 420.159.** Water Rates, Amending Ordinance 144: October 8, 1956
- 420.160.** Licensing and Regulating Coin Operated Amusements: March 15<sup>th</sup>, 1957. Repealed by Ordinance No. 388.

- 420.161. Public Library: May 6<sup>th</sup>, 1957.
- 420.162. Public Cemetery: May 6<sup>th</sup>, 1957.
- 420.163. Annexation of Land; June 17, 1957.
- 420.164. **Annexation** of Land; August 29<sup>th</sup>, 1957.
- 420.164. Duplicate # - Correction to legal description of 8/29/57 Annexation; December 12<sup>th</sup>, 1957.
- 420.165. Not Used
- 420.166. Adoption of Model Traffic Code: Repealed by Ordinance No. 182.
- 420.167. Adoption of Municipal Code of 1958: April 3<sup>rd</sup>, 1958.
- 420.168. Coin Operated Games: June 10<sup>th</sup>, 1958.
- 420.169. Sewer Rental Charges: July 7<sup>th</sup>, 1958.
- 420.170. Prohibiting Nuisances; July 28<sup>th</sup>, 1958.
- 420.171. Sewer Regulations; August 21<sup>st</sup>, 1958.
- 420.172. Budget Year 1959: October 9<sup>th</sup>, 1958.
- 420.173 Budget Year 1960: October 8<sup>th</sup>, 1959.
- 420.174. Sewer Revenue Bonds for Sewage Lagoon; \$14,000.00: May 25<sup>th</sup>, 1960. (July 15<sup>th</sup>, 1974)
- 420.175. Budget Year 1961: November 3<sup>rd</sup>, 1960.
- 420.176. Solicitors & Canvassers: November 3<sup>rd</sup>, 1960. Repealed by Ordinance No. 196.
- 420.177. Sell Town Property: March 21<sup>st</sup>, 1961. Repealed by Ordinance No. 339.
- 420.178. Budget Year 1962: November 2<sup>nd</sup>, 1961.
- 420.179. Sell Town Property: December 7<sup>th</sup>, 1961.
- 420.180. Water Rates: June 21<sup>st</sup>, 1962.
- 420.181. Budget Year 1963: October 4<sup>th</sup>, 1962.
- 420.182. Model Traffic Code: March 7<sup>th</sup>, 1963. Repealed by Ordinance No. 201.
- 420.183. Baskett Heights Annexation: August 12<sup>th</sup>, 1963.
- 420.184. Budget Year 1964: October 3<sup>rd</sup>, 1963.
- 420.185. Circle Lane Annexation: April 2<sup>nd</sup>, 1964.
- 420.186. Budget Year 1965: October 1<sup>st</sup>, 1964.
- 420.187. Police Magistrate, Fees: May 6<sup>th</sup>, 1965. Repealed in its entirety by Ordinance No. 375.
- 420.188. Building Zone Code and Map: June 3<sup>rd</sup>, 1965.

- 420.189. Playground Agreement: July 1<sup>st</sup>, 1965.
- 420.PHA1. Planning Commission: July 1<sup>st</sup>, 1965.
- 420.190. Budget Year 1966: October 7<sup>th</sup>, 1965.
- 420.191. Building Zone Amendment: March 3<sup>rd</sup>, 1966.
- 420.192. Code Amendment – Trailer: March 3<sup>rd</sup>, 1966. Repealed by Ordinance No. 376.
- 420.193. First Baskett Hills Annexation: June 10<sup>th</sup>, 1966.
- 420.194. Building Code Amendment: August 4<sup>th</sup>, 1966.
- 420.195. Dog Amendment: September 1<sup>st</sup>, 1966.
- 420.196. Canvassers & Solicitors: September 1st, 1966.
- 420.197. Budget Year 1967: October 6th, 1966.
- 420.198. Mountain View Franchise: January 5th, 1967.
- 420.199. Plateau Natural Gas Franchise: April 6th, 1967. Repealed by Ordinance No. 318.
- 420.200. Budget Year 1968: October 5th, 1967.
- 420.201. Model Traffic Code: March 14th, 1968. Repealed by Ordinance No. 217.
- 420.202. Dogs Vaccination & License: April 11th, 1968.
- 420.203. Warner Addition Annexation: July 9th, 1968.
- 420.204. Land Sale: September 5th, 1968.
- 420.205. Budget Year 1969: October 3rd, 1968.
- 420.206. Telephone Business and Occupation Tax: November 7th, 1968.
- 420.207. Speed Limits: April 3rd, 1969. Repealed by Ordinance No. 217.
- 420.208. Budget Year 1970: October 2nd, 1969.
- 420.209. Peace Officers: November 6th, 1969.
- 420.210. Water Rates: November 6th, 1969.
- 420.211. Highway Department Property: January 2nd, 1970.
- 420.212. Raines Addition Annexation: March 17th, 1970.
- 420.213. Budget Year 1971: November 5th, 1971.
- 420.214. Budget Year 1972: October 7th, 1971.
- 420.215. Four Year Overlapping Terms for Trustees and Four-Year Terms for Mayor: December 2nd, 1971.
- 420.216. Control of Refuse and Disposal Site: January 6th, 1972.

- 420.217.** Model Traffic Code: January 6th, 1972. Repealed by Ordinance No. 229.
- 420.218.** Fireman’s Pension: January 6th, 1972.
- 420.219.** Police Pension: January 6th, 1972. Repealed in its entirety by Ordinance No. 380.
- 420.220.** Water Rates Amendment: October 5th, 1972.
- 420.221.** Sewer Rates Amendment: October 5th, 1972.
- 420.222.** Budget year 1973: October 5th, 1972.
- 420.223.** Cigarette Tax: October 9th, 1972. Repealed by Ordinance No. 227.
- 420.224.** Mobile Home Park License Fee: December 7th, 1972.
- 420.225.** Vern’s TV Cable Franchise: May 3rd, 1973.
- 420.226.** Municipal Building Bond; \$125,000: May 16th, 1973. (May 1st, 1981)
- 420.227.** Repeal Multiple Ordinances: June 7th, 1973.
- 420.228.** Budget Year 1974: October 4th, 1973.
- 420.229.** Model Traffic Code: March 7th, 1974. Repealed by Ordinance No. 247.
- 420.230.** Acquiring Golf Course: March 7th, 1974.
- 420.231.** Golf Course Bonds; \$225,000: March 7th, 1974. (January 1st, 2014) [December 3rd, 2009]
- 420.232.** Building Zones: October 3rd, 1974.
- 420.233.** Budget Year 1975: October 3rd, 1974.
- 420.234.** Duties of Chief of Police and Town Superintendent: April 3rd, 1975.
- 420.235.** Town Dump Charges: August 7, 1975. Repealed by Ordinance No. 282.
- 420.236.** Budget Year 1976: October 2nd, 1975.
- 420.237.** Baskett Annexation: March 4th, 1976; rerecorded March 17th, 1994.
- 420.238.** Land Sale/Nall: May 6th, 1976.
- 420.239.** Hours for Irrigation: August 16th, 1976. Repealed by Ordinance No. 271.
- 420.240.** Budget Year 1977: October 26th, 1976.
- 420.241.** Telephone Business and Occupation Tax: October 7th, 1976.
- 420.242.** Increase Cable Rates/Vern’s TV: December 3rd, 1976.
- 420.243.** Water Rates: June 2nd, 1977.
- 420.244.** Budget Year 1978: October 26th, 1977.
- 420.245.** Sewer Rates: December 1st, 1977.
- 420.246.** Repeal Ordinance 135 Water Rates: December 1st, 1977.
- 420.247.** Model Traffic Code: February 2nd, 1978.
- 420.248.** Water Bonds 1978; \$1,625,000: March 9th, 1978. (December 15th, 2003)
- 420.248A.** Water Bonds; Amend Ordinance 248: March 20<sup>th</sup>, 1978.
- 420.249.** Packard Property Sale: March 7th, 1978.
- 420.250.** Beer and Liquor Code Fees: May 4th, 1978.
- 420.251.** Sales Tax/Personal Property: July 27th, 1978.
- 420.252.** Sewer Revenue Bonds; \$395,000: October 26th, 1978. (November 1st, 1998)
- 420.253.** Budget Year 1979: November 2nd, 1978.
- 420.254.** Budget Year 1979: November 2nd, 1978.
- 420.255.** Repeal Ordinance No. 219: November 28th, 1978.
- 420.256.** Traffic Regulation: February 1st, 1979.
- 420.257.** Model Energy Efficiency Construction: March 2nd, 1979.
- 420.258.** Amend Ordinance No. 188 & 232 Zoning: April 5th, 1979.
- 420.259.** Amend Ordinance No. 251, Sales Tax Exemptions Use Tax Collection: July 5th, 1979.
- 420.260.** Water Bonds; \$785,000: November 1st, 1979. (July 1st, 2020) [March 2nd, 1989]
- 420.261.** Water Bonds; \$631,000: November 1st, 1979. (July 1st, 2020) [March 2nd, 1989]
- 420.262.** Water Bonds; \$320,000: November 1st, 1979. (December 17th, 2009)
- 420.263.** Water Rates: November 1st, 1979.
- 420.264.** Budget Year 1980: November 1st, 1979.
- 420.265.** Budget Year 1980: November 1st, 1979.
- 420.266.** Amend Ordinance No. 262: December 6th, 1979.
- 420.267.** Amend Ordinance No. 261, Water Bond Amounts and Due Dates: February 7th, 1980.
- 420.268.** Budget Year 1981: November 6th, 1980.
- 420.269.** Budget Year 1981: November 6th, 1980.

- 420.270.** Amend Ordinance No. 188, 232, & 258, Zoning: Tabled February 5th, 1981.
- 420.271.** Repeal Ordinance No. 239: May 7th, 1981.
- 420.272.** Amend Ordinance No. 167 & 246, Water Connection Permits: May 7th, 1981.
- 420.273.** Amend Ordinance No. 171 & 245, Sewer Connection Permits: May 7<sup>th</sup>, 1981.
- 420.274.** Amend No. 188 & 232, Rezone: July 2nd, 1981.
- 420.275.** Vacating Street: August 6th, 1981.
- 420.276.** Vacating Alleyway: August 6th, 1981.
- 420.277.** Raines Second Addition Annexation: September 3rd, 1981.
- 420.278.** Amend Ordinance No. 202, Dogs: October 1st, 1981. Repealed by Ordinance No. 299.
- 420.279.** Amend No. 167, Livestock: November 5th, 1981. Repealed by Ordinance No. 376.
- 420.280.** Budget Year 1982: November 5th, 1981.
- 420.281.** Budget Year 1982: November 5th, 1981.
- 420.282.** Repeal Ordinance No. 235, Dump Charges: January 7th, 1982.
- 420.283.** Special Improvement District: May 6th, 1982.
- 420.284.** Street Vacating: April 1st, 1982.
- 420.285.** Water Bill Delinquent Notice: April 1st, 1982.
- 420.286.** Refusal of Lots for Park: June 3rd, 1982.
- 420.287.** Special Assessment Bonds; \$75,000: August 5th, 1982. (September 1st, 2002)
- 420.288.** Budget Year 1983: December 2nd, 1982.
- 420.289.** Budget Year 1983: December 2nd, 1982.
- 420.290.** Hazardous Response Authority: December 2nd, 1982.
- 420.291.** Regulating Wind Powered Electricity – Generating Equipment: January 6th, 1983.
- 420.292.** Prohibiting Disposal of Hazardous Waste Upon Property in Town: January 6th, 1983.
- 420.293.** Cost Recovery Agreement: May 5th, 1983. Repealed by Ordinance No. 376.
- 420.294.** Refuse Collection Service Rates: February 3rd, 1983.
- 420.295.** Amend Ordinance No. 171, Special Improvement District 1982-1: February 3rd, 1983.
- 420.296.** Special Improvement District Costs: April 7th, 1983.
- 420.297.** Vacating Portion of N Avenue: May 5th, 1983.
- 420.298.** Vern’s TV Cable Franchise: August 4th, 1983.
- 420.299.** Amend Ordinance No. 202, Dogs, Vaccinations & Repeal Ordinance No. 278: September 1st, 1983.
- 420.300.** A Curative Ordinance to Cure and Validate the Defective Enactment of Ordinance No. 279: October 6th, 1983. Repealed by Ordinance No. 376.
- 420.301.** Amend Ordinance No. 167, Disturb the Peace: October 6th, 1983.
- 420.302.** Budget Year 1984: December 1st, 1983.
- 420.303.** Budget Year 1984: December 1st, 1983.
- 420.304.** Amend Ordinance No. 247, Traffic Regulation: February 2nd, 1984.
- 420.305.** Amend Ordinance No. 298, Cable TV Charges: May 3rd, 1984.
- 420.306.** Flood Ordinance: October 4th, 1984.
- 420.307.** Heavy Vehicle Route: February 7th, 1984.
- 420.308.** Cable Transfer to Cripple Creek Cable: December 6th, 1984.
- 420.309.** Amend Ordinance No. 188, Building Zones: December 6th, 1984.
- 420.310.** Budget Year 1985: December 27th, 1984.
- 420.311.** Budget Year 1985: December 27th, 1984.
- 420.312.** Amend Ordinance No. 221, 294, Billing for Sewer, Refuse Collection and Use of Dump: February 7th, 1985.
- 420.313.** Lease Agreement for Town Shop from JINCO Leasing: October 3rd, 1985.
- 420.314.** Budget Year 1986: December 30th, 1985.
- 420.315.** Budget Year 1986: December 30th, 1985.
- 420.316.** Amend Ordinance No. 167, Water Rates: May 1st, 1986.
- 420.317.** Amend Ordinance No. 167 & 312, Sewer Rates: May 1st, 1986.
- 420.318.** Peoples Natural Gas Franchise: November 6th, 1986.
- 420.319.** Amend Ordinance No. 167, Municipal Court: November 6th, 1986.

- 420.320.** Street, Curb, Gutter Improvements on Ninth Street: November 6th, 1986.
- 420.321.** Budget Year 1987: December 30, 1986.
- 420.322.** Budget Year 1987: December 30, 1986.
- 420.323.** Budget Year 1988: November 19th, 1987.
- 420.324.** Budget Year 1988: November 19th, 1987.
- 420.325.** Cable TV Transfer/Televents: December 3rd, 1987.
- 420.326.** Amend Ordinance No. 167, Municipal Code: December 3rd, 1987.
- 420.327.** Street, Curb, Gutter Improvements on Ninth Street: March 3rd, 1988.
- 420.328.** Lease for Loader: June 2nd, 1988.
- 420.329.** Curfew: November 3rd, 1988.
- 420.330.** Amend Ordinance No. 306, Flood: November 3rd, 1988.
- 420.331.** Revenue Bonds 1988, \$5,000,000: November 22nd, 1988. (December 10th, 2008)
- 420.332.** Budget Year 1989: November 28th, 1988.
- 420.333.** Budget Year 1989: November 28th, 1988.
- 420.334.** Easement for Road to Treatment Plant: February 2nd, 1989.
- 420.335.** Amend Ordinance No. 216, Refuse Collection Service and Use of Town Disposal Site: February 2nd, 1989.
- 420.336.** Cable Transfer/Vantage Cable: January 5th, 1989.
- 420.337.** Water Bond Refunding Ordinance No. 260, 261 and 267; \$592,000: March 2nd, 1989. (July 1st, 2010) [July 7th, 1994]
- 420.338.** Budget Year 1990: November 27th, 1989.
- 420.339.** Limon Wastewater Treatment System: June 14th, 1989.
- 420.340.** Budget Year 1990: November 27, 1989.
- 420.341.** Vacating P Avenue: December 7th, 1989.
- 420.342.** Water, Sewer Improvements: March 8th, 1990.
- 420.343.** Building Contractor Registration: June 11th, 1990. Repealed by Ordinance No. 404.
- 420.344.** Uniform Building Code: June 26th, 1990. Repealed by Ordinance No. 367.
- 420.345.** Emergency Telephone Service Agreement: December, 1990.
- 420.346.** Amend Ordinance No. 306, Flood: November 15th, 1990.
- 420.347.** Budget Year 1991: December 6th, 1990.
- 420.348.** Budget Year 1991: December 6th, 1990.
- 420.349.** Construction of Town Hall, Streetscape: January 17th, 1991.
- 420.350.** Water, Sewer Improvements: March 7th, 1991.
- 420.351.** Vacating Portion of 2nd Avenue: May 2nd, 1991.
- 420.352.** Amend Ordinance No. 188 & 232, Rezone: June 17th, 1991.
- 420.353.** Amend Ordinance No. 188 & 232, Rezone: July 11th, 1991.
- 420.354.** Town Hall Project Lease: October 25th, 1991.
- 420.355.** Budget Year 1992: December 12th, 1991.
- 420.356.** Budget Year 1992: December 12th, 1991.
- 420.357.** Arboriculture/Line of Sight: December 12th, 1991.
- 420.358.** Weeds: February 13th, 1992. Repealed and replaced by Ordinance No. 476.
- 420.359.** Property Sale: March 5th, 1992.
- 420.360.** Write-In Candidate, Election Cancellation: April 9th, 1992.
- 420.361.** Mountain View Franchise: June 4th, 1992.
- 420.362.** Unclaimed Property: Jun 25th, 1992.
- 420.363.** Authorizing Colorado Water Series 1992: Bond; \$228,300: August 6th, 1992. (June 1st, 2002) [May 4th, 2000]
- 420.364.** Franchise Application Fee: November 5th, 1992.
- 420.365.** Property Taxes for 1993: December 12th, 1992.
- 420.366.** Budget Year 1993: December 12th, 1992.
- 420.367.** Building Codes: February 4th, 1993.
- 420.368.** Traffic Regulation: February 4th, 1993.
- 420.369.** Vantage Cable Franchise: August 5th, 1993.
- 420.370.** Refuse Collection Rates: August 5th, 1993.

- 420.371.** Codification, Municipal Code: December 2nd, 1993.
- 420.372.** Budget Year 1994: December 9th, 1993.
- 420.373.** Property Taxes for 1994: December 9th, 1993.
- 420.374.** Cemetery Board: March 3rd, 1994.
- 420.375.** Municipal Court: March 3rd, 1994.
- 420.376.** Land Development Code & Official Zoning Map: June 2nd, 1994.
- 420.377.** Water Refunding Bonds Payment Series 1994; \$1,490,000: July 7th, 1994. (September 1st, 2005) [December 6th, 2001]
- 420.378.** Junk Vehicles & Junkyards: July 7th, 1994.
- 420.379.** Amend Ordinance No. 378: August 4th, 1994.
- 420.380.** Amend Sections of Municipal Code: October 6th, 1994.
- 420.381.** Charges for Wastewater Service: December 1st, 1994.
- 420.382.** Budget Year 1995: December 1st, 1994.
- 420.383.** Property Taxes 1995: December 1st, 1994.
- 420.384.** Galaxy Telecom Cable Transfer: December 1st, 1994.
- 420.385.** Amend Section 521, Junk, Junked Vehicles and Junkyards: February 2nd, 1995.
- 420.386.** Boards & Commissions: April 6th, 1995.
- 420.387.** Grazing Lease: May 4th, 1995.
- 420.388.** Deleting Licensing and Regulating Coin Operated Amusements: June 1st, 1995.
- 420.389.** Lease Agreement for Pre-school: June 1st, 1995.
- 420.390.** Drainage Flows: July 6th, 1995.
- 420.391.** Emergency Response Authority Hazardous Materials Incidents: August 3rd, 1995.
- 420.392.** Airport Land Contract: November 2nd, 1995.
- 420.393.** Model Traffic Code: December 7th, 1995.
- 420.394.** Budget Year 1996: December 7th, 1995.
- 420.395.** Amending Sales & Use Tax: January 4th, 1996.
- 420.396.** Vacating a Portion of 9th Street: June 6th, 1996.
- 420.397.** Amend Junk, Junked Vehicles and Junkyards: May 2nd, 1996.
- 420.398.** Amend Municipal Code Regarding Duties of Appointed Officers: June 6th, 1996.
- 420.399.** Curfew for Minors: June 6th, 1996.
- 420.400.** Angle Parking: August 1st, 1996.
- 420.401.** Amending Sales & Use Tax: August 1st, 1996.
- 420.402.** Daily Park Hours: August 1st, 1996.
- 420.403.** Uniform Building Code: August 1st, 1996.
- 420.404.** Building Contractors: October 3rd, 1996.
- 420.405.** Street Names & Numbers: October 3rd, 1996.
- 420.406.** Tree Trimmers: November 7th, 1996.
- 420.407.** Budget Year 1997: December 5th, 1996.
- 420.408.** Water Rate Increase: December 5th, 1996.
- 420.409.** Junk Vehicles & Junkyard: December 5th, 1996.
- 420.410.** Fire Department Pensions: January 2nd, 1997.
- 420.411.** Land Development Code: January 2nd, 1997.
- 420.412.** Out of Town Water Usage: April 3rd, 1997.
- 420.413.** Lease Agreement for Library and Morgan Community College: April 3rd, 1997.
- 420.414.** Amend Municipal Code Regarding Penalty Assessment Notices, and Points: August 14th, 1997.
- 420.415.** Board of Adjustments: September 4th, 1997.
- 420.416.** Land Development Code Change: October 2nd, 1997.
- 420.417.** Lease Agreement with Pre-school: October 2nd, 1997.
- 420.418.** Amend Zoning Map: November 6th, 1997.
- 420.419.** Market Place Annexation: November 6th, 1997.
- 420.420.** Coleman Annexation: November 17th, 1997.
- 420.421.** Budget Year 1998: December 4th, 1997.
- 420.422.** Sale of Property to Ben F. Parmer: May 6th, 1998.
- 420.423.** Amend Angle Parking: September 3rd, 1998.
- 420.424.** Amend Section 200 of Municipal Code Concerning Emergency Services: October 23rd, 1998.

- 420.425.** Amend Section 135 of Municipal Code – Water Department Water Rate Change: November 5th, 1998.
- 420.426.** Amend Section 638 of Municipal Code – Angle Parking: November 5th, 1998.
- 420.427.** Budget Year 1999: December 3rd, 1998.
- 420.428.** Amend Heavy Vehicle Route: May 4th, 1999.
- 420.429.** Prohibit Oil Drilling City Limits: May 4th, 1999.
- 420.430.** Moratorium – Adult Entertainment: July 1st, 1999.
- 420.431.** Amend Municipal Code, Water, Sewer, Trash: July 1st, 1999.
- 420.432.** Feedlot Bond: (\$585,000). July 20th, 1999. (December 31st, 1999).
- 420.433.** Sexually Oriented Business Licensing: November 1999.
- 420.434.** Change Municipal Code – Sewer Department: December 2nd, 1999.
- 420.435.** Change Municipal Code – Trash Rates: December 2nd, 1999.
- 420.436.** Change Mayor & Trustee Salary: December 2nd, 1999.
- 420.437.** Budget Year 2000: December 2nd, 1999.
- 420.438.** Feedlot Bond; \$620,000: December 2nd, 1999. (December 12th, 2012)
- 420.439.** Amend Curfew: March 7th, 2000.
- 420.440.** Blair Property Exchange: March 7th, 2000.
- 420.441.** Lease Agreement with Limon Heritage Society: April 6th, 2000.
- 420.442.** Establishing Town of Limon Activity Enterprise: April 6th, 2000. Repealed by Ordinance No. 482.
- 420.443.** Establishing Town of Limon Sewer Activity Enterprise: April 6th, 2000. Repealed by Ordinance No. 482.
- 420.444.** Formally Establishing Recreation Facilities Enterprise: April 6th, 2000.
- 420.445.** Formally Establishing Airport Fuel Activity Enterprise: April 6th, 2000.
- 420.446.** Formally Establishing Ambulance Activity Enterprise: April 6th, 2000.
- 420.447.** Grazing Lease with Wayne Shade: April 6th, 2000.
- 420.448.** Water Loan between Colorado Water Resources and Town: Bond 2000; \$1,440,808.84, Refunding Ordinance No. 363: May 4th, 2000.
- 420.449.** Amend Ordinance No. 376, Require Residences to Have Front Door Facing Street: May 9th, 2000.
- 420.450.** Amend Ordinance No. 376, Notice of Public Hearing Requirements: May 9th, 2000.
- 420.451.** Amend Ordinance No. 376, Public Notice Requirements: May 9th, 2000.
- 420.452.** Amend Ordinance No. 376, Zoning Map: May 9th, 2000.
- 420.453.** Amend Ordinance No. 376, Zoning Map: May 9th, 2000.
- 420.454.** Amend Ordinance No. 376, Zoning Map: May 9th, 2000.
- 420.455.** Amend Ordinance No. 376, Public Notice Requirement: July 6th, 2000.
- 420.456.** Amend Municipal Code – Town Dump Regulations: September 7th, 2000.
- 420.457.** Amend Ordinance No. 376, Defining Sexually Oriented Business: July 6th, 2000.
- 420.458.** Contract to Sell Real Estate with Robert J. & Ellen E. Safranek: November 2nd, 2000.
- 420.459.** Amend Ordinance No. 376, Allow Fire Station as Conditional Use: December 7th, 2000.
- 420.460.** Amend Ordinance No. 376, Zoning Map: December 7th, 2000.
- 420.461.** Budget Year 2001: December 7th, 2000.
- 420.462.** Water Activity Enterprise: December 26th, 2000.
- 420.463.** Adopt Uniform Building Code: May 3rd, 2001. Repealed by Ordinance No. 521.
- 420.464.** Manufactured Housing: August 2nd, 2001.
- 420.465.** Big Sandy Addition Annexation: September 6th, 2001.
- 420.466.** Big Sandy No. 2 Addition Annexation: October 4th, 2001.
- 420.467.** Budget Year 2002: December 6th, 2001.
- 420.468.** Water Bonds Series 2001 Refunding Ordinance 377: December 6th, 2001.
- 420.469.** Election for Special Assessment Bonds: February 4th, 2002.

**420.470.** Lease Agreement with Fort Morgan Community College: February 4th, 2002.

**420.471.** Amend Ordinance No. 135, Water Department Service Connection Fees: May 2nd, 2002.

**420.472.** Amend Ordinance No. 135, Crawlspace in Residential Construction: June 6th, 2002.

**420.473.** Dangerous Dogs: June 6th, 2002. Repealed by Ordinance No. 520.

**420.474.** Fireworks: June 27th, 2002.

**420.475.** Street, Curb, Gutter Improvements: Special Improvement District No. 1: September 5th, 2002.

**420.476.** Noxious Weeds: July 11th, 2002.

**420.477.** Amend Code/Duties of Town Administrator, Town Clerk/Treasurer and Town Attorney: July 11th, 2002.

**420.478.** Prohibit Tobacco Products by Minor: November 7th, 2002.

**420.479.** Amend Land Development Code – Prohibit Manufactured Housing in Commercial & Industrial Districts Other Than Temporary Use: November 7th, 2002.

**420.480.** Amend Code/Non-Domestic Pretreatment: March 6th, 2003.

**420.481.** Budget Year 2003: December 5th, 2002.

**420.482.** Utility Activity Enterprise: Repealed Ordinance No. 442 & 443. December 5th, 2002.

**420.483.** Amend Ordinance No. 376, Development Requirements for Residential Zone Districts, Street Width Requirements: May 1st, 2003.

**420.484.** Vacate Unused Dedicated Streets and Roadways: July 3rd, 2003.

**420.485.** Model Traffic Code: September 4th, 2003.

**420.486.** Amend Code/Non-Domestic Pretreatment: October 9th, 2003.

**420.487.** Budget Year 2004: December 4th, 2003.

**420.488.** Amend Code/Pershing Memorial Cemetery: December 29th, 2003.

**420.489.** Special Improvement District 2004 – 1 Election: February 5th, 2004.

**420.490.** Lease Agreement with Gerald Shalosky at Airport: May 6th, 2004.

**420.491.** Water Revenue Improvement Bonds; \$2,600,000: May 6th, 2004. (2044).

**420.492.** Creation of Special Improvement District 2004 – 1: July 1st, 2004.

**420.493.** Fire Station Lease Purchase: September 2nd, 2004.

**420.494.** Ballot Question Limon Special Improvement District 2004 – 1: November 16th, 2004.

**420.495.** Budget Year 2005: December 2nd, 2004.

**420.496.** Bonds – Limon Special Improvement District 2004 – 1: Bond 2004 – 1 (\$200,000). December 2nd, 2004. (July 1st, 2024).

**420.497.** Amend Land Development Code – Sexually Oriented Business: January 6th, 2005.

**420.498.** Repeal Ordinance 433; Add Chapter 760: January 6th, 2005.

**420.499.** Amend Land Development Code Accessory Buildings: January 6th, 2005.

**420.500.** Contracts, Purchases in Ordinance No. 376: March 3rd, 2005.

**420.501.** Grazing Lease: May 5th, 2005.

**420.502.** Carla’s Cluster Care Economic Development Agreement: July 7th, 2005.

**420.503.** Right of Way Ordinance: July 7th, 2005

**420.504.** Special District Ballot Question 2005 – 2A (\$185,000): August 4th, 2005.

**420.505.** Special District Ballot Question 2005 – 2B (\$38,000): August 4th, 2005.

**420.506.** Special District Ballot Question 2005 – 2C (\$252,000): August 4th, 2005.

**420.507.** Real Property Sale to Michael & Trudy O’Dwyer: August 4th, 2005.

**420.508.** Real Property Sale to Geneva Rogers: August 4th, 2005.

**420.509.** Special District 2005 – 2A, 2—5 – 2B, 2005 – 2C: November 17th, 2005.

**420.510.** Special District 2005 – 2A, 2—5 – 2B, 2005 – 2C: November 17th, 2005.

**420.511.** Budget Year 2006: December 6th, 2005.

**420.512.** Bonds for Special Districts: Bond 2005 – 2A; \$185,000, Bond 2005 – 2B; \$38,000, Bond 2005 – 2C; \$252,000, Bond Total of \$475,000; not to exceed \$415,000. December 6th, 2005. (July 1st, 2025).

**420.513.** Amend Section 636 – Traffic Regulation: February 6th, 2006.

**420.514.** Amend Section 155 – Non-Domestic Pre-treatment: March 6th, 2006.

**420.515.** Lease for Library with Morgan Community College: June 8th, 2006.

**420.516.** Amend Ordinance No. 376, Pertaining to Business Signs: September 7th, 2006.

**420.517.** Budget for 2007: December 7th, 2006.

**420.518.** Airport Grazing Lease with Tim Daum: February 1st, 2007.

**420.519.** Aquila Franchise: repealed and replaced Ordinance No. 318, April 5th, 2007.

**420.520.** Amend Section 531 – Pertaining to Dogs: repealed and replaced Ordinance 473, September 6th, 2007.

**420.520.** Duplicate Number \* Service Support with Medtronic: June 7th, 2007.

**420.521.** Amend Section 513 – Uniform Building Code: January 3rd, 2008. Repealed Ordinance No. 463.

**420.522.** Budget Year 2008: December 6th, 2007.

**420.523.** Bulk Water Sales: March 6th, 2008.

**420.524.** Morgan Community College Lease: June 5th, 2008.

**420.525.** Model Traffic Code: October 2nd, 2008.

**420.526.** Budget Year 2009: December 4th, 2008.

**420.527.** Water, Sewer Trash Rates: December 4th, 2008.

**420.528.** Town Officers: February 5th, 2009.

**420.529.** Amend Land Development Code – Mobile Home Parks: August 6th, 2009.

**420.530.** Amend Land Development Code – Mobile Home Zone Uses: August 6th, 2009.

**420.531.** Multi-Year Service Support Agreement with Medtronic dba Physio Controls: August 6th, 2009.

**420.532.** Amend Section 134, Utility Service Billing: November 5th, 2009. August 6th, 2009.

**420.533.** Temporary Moratorium – Medical Marijuana: November 5th, 2009 & expires 180 days later.

**420.534.** Budget Year 2010: December 3rd, 2009.

**420.535.** Utility Rate Increase: December 3rd, 2009.

**420.536.** Temporary Moratorium – Medical Marijuana Grow Facilities: February 4th, 2010.

**420.537.** Temporary Moratorium Extension – Medical Marijuana; see Ordinance No. 533 & 536: April 1st, 2010.

**420.538.** Amend Ordinance No. 371 by Changing Titles for Town Administrator and Public Works Director to Town Manager: May 6th, 2010.

**420.539.** Morgan Community College Lease Agreement; Fourth Amendment: June 3rd, 2010.

**420.540.** Town Owned Land (by Airport) Grazing Lease: June 3rd, 2010.

**420.541.** Medical Marijuana Prohibition to the Land Development Code: October 7th, 2010.

**420.542.** FAA No Cost Airport No Cost Land Lease Agreement: October 7th, 2010.

**420.543.** Budget Year 2011: December 2<sup>nd</sup>, 2010.

**420.544.** Amending Land Development Code Regarding Zoning Map for Lot 1, Block 3 of Weeks Subdivision to Highway Commercial (CH-1) Zone District: May 5th, 2011.

**420.545.** Amending Land Development Code Regarding Title of Town Manager, May 5th, 2011.

**420.546.** Concerning the Certification of Delinquent Charges and Assessment to County Treasurer for Collection, May 5<sup>th</sup>, 2011.

**420.547.** Annexing the Limon Golf Course Addition, June 30<sup>th</sup>, 2011.

**420.548.** Concerning Self-Contained Compaction Units (SCU) and Sub-Section (5) Roll-Off Containers, July 7<sup>th</sup>, 2011.

**420.549.** Concerning the Drilling and Pumping of Crude Oil, Natural Gas, or Other Crude Petroleum, October 6<sup>th</sup>, 2011.

**420.550.** Budget Year 2012, December 1<sup>st</sup>, 2011.

**420.551.** Establishing Fees for Surface Water, December 1<sup>st</sup>, 2011.

**420.552.** Concerning Grazing Lease for a 13-Acre Parcel at the Limon Municipal Airport, February 2<sup>nd</sup>, 2012.

**420.553.** Concerning First Amendment to the Lease Agreement with Morgan Community College, March 1<sup>st</sup>, 2012.

**420.554.** Concerning Regulation of Transient Sales, June 7<sup>th</sup>, 2012.

**420.555.** Concerning Water Bond Refinancing, June 7<sup>th</sup>, 2012.

**420.556.** Concerning Sales Tax Exemptions for Non-Profits, July 5<sup>th</sup>, 2012.

**420.557.** Amending Chapter 532 – Pertaining to Livestock and Fowl, September 6<sup>th</sup>, 2012.

**420.558.** Amending Chapter 531 – Pertaining to Dogs, September 6<sup>th</sup>, 2012.

**420.559.** Annexing the Limon Municipal Airport Addition, November 8<sup>th</sup>, 2012.

**420.560.** Concerning Disturbing the Peace; Using Offensive Language, November 1<sup>st</sup>, 2012.

**420.561.** Budget Year 2013, December 6<sup>th</sup>, 2012.

**420.562.** Prohibiting the Operation of Marijuana Facilities or Retail Marijuana Stores, March 7<sup>th</sup>, 2013.

**420.563.** Adopting Regulations Establishing a Cross Connection Control Program, July 9<sup>th</sup>, 2013.

**420.564.** Considering a Permanent Easement for Tri-State Generation and Transmission Association, Inc., September 5<sup>th</sup>, 2013.

**420.565.** Considering Public Health and Imposing Penalties and Costs for Allowing a Dangerous Building, November 7<sup>th</sup>, 2013.

**420.566.** Budget Year 2014, December 5<sup>th</sup>, 2013.

**420.567.** Amending the Municipal Code and Land Development Code Regarding Flood Plain Regulations, January 2<sup>nd</sup>, 2014.

**420.568.** Amending the Municipal Code and Land Development Code Regarding Oil and Gas Facilities, January 2<sup>nd</sup>, 2014.

**420.569.** Amending the Land Development Code by Inserting a New Section 202.3.13 – Commercial District (C-1), January 2<sup>nd</sup>, 2014.

**420.570.** Amending Certain Subsections of Chapter 360 – Pershing Memorial Cemetery, March 6<sup>th</sup>, 2014.

**420.571.** Second Amendment to the Lease Agreement with Morgan Community College, May 1<sup>st</sup>, 2014.

**420.572.** Amending the Official Zoning Map for the Big Sandy Addition from Open Space – Recreation Zone District (OS-R) to Commercial Zone District (C-1), April 3<sup>rd</sup>, 2014.

**420.573.** Amending the Official Zoning Map for the Limon Municipal Airport Addition from Light Industrial Zone District (LI) to Commercial Zone District (C-1), April 3<sup>rd</sup>, 2014.

**420.574.** Sale of Certain Real Property Within the Limon Golf Course Addition, May 1<sup>st</sup>, 2014. (Not Executed)

**420.575.** Concerning a Lease of Certain Irrigation Water Rights to Frasier Farms, Assigning Agreement to River Bend Ranch, LLC, May 1<sup>st</sup>, 2014.

**420.576.** Amending Chapter 531 – Pertaining to Dogs Regarding Release of Dogs, July 10<sup>th</sup>, 2014.

**420.577.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 100, November 6<sup>th</sup>, 2014.

**420.578.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 200, December 4<sup>th</sup>, 2014.

**420.579.** Budget Year 2015, December 4<sup>th</sup>, 2014.

**420.580.** Amending Ordinance No. 367, concerning Section 531, Dogs, February 5<sup>th</sup>, 2015

**420.581.** Grazing Lease for Property at the Limon Municipal Airport, February 5<sup>th</sup>, 2015

**420.582.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 300, April 2<sup>nd</sup>, 2015.

**420.583.** Amending Ordinance No. 367 Adding Subsection 138.5 Concerning Foreign Trade Zone Board to Chapter 138 – Board and Commissions, July 2<sup>nd</sup>, 2015

**420.584.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 500, October 1<sup>st</sup>, 2015

**420.585.** Budget Year 2016, December 3<sup>rd</sup>, 2015

**420.586.** Amending Ordinance No. 371 by Amending Chapter 135, Water and Sewer Rates, December 3<sup>rd</sup>, 2015

**420.587.** Amending Ordinance No. 360 Regarding Election Regulations, January 7<sup>th</sup>, 2016.

**420.588.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 600: February 4<sup>th</sup>, 2016.

**420.589.** Amending Chapter 200 of Land Development Code: March 3<sup>rd</sup>, 2016

**420.590.** Amending Municipal Code, Chapter 636 – Traffic Regulations: April 7<sup>th</sup>, 2016

**420.591.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 700: April 7<sup>th</sup>, 2016

**420.592.** Morgan Community College Lease Agreement: May 5<sup>th</sup>, 2016.

**420.593.** Amending Ordinance No. 367, Modernization of Limon Municipal Code Chapter 400: June 2<sup>nd</sup>, 2016.

**420.594.** Property Lease Agreement with Harlow Farms, LLC, June 2<sup>nd</sup>, 2016.

- 420.596.** Budget Year 2017, December 1<sup>st</sup>, 2016
- 420.597.** Grazing Lease for Property at the Limon Municipal Airport, February 2<sup>nd</sup>, 2017
- 420.598.** Approving Lease Agreement with Lincoln County for Space in Library, February 2<sup>nd</sup>, 2017
- 420.599.** Amending Municipal Code, Chapter 636 – Repealing Traffic Regulations; February 2<sup>nd</sup>, 2017
- 420.600.** Approving a Water Lease Agreement with Pine Bluffs Sand and Gravel; February 2<sup>nd</sup>, 2017
- 420.601.** Amending Chapter 200 of Land Development Code; March 2<sup>nd</sup>, 2017
- 420.602.** Approving Franchise Agreement with Mountain View Electric Association; August 3<sup>rd</sup>, 2017
- 420.603.** Amending Chapter 200 of Land Development Code; May 4<sup>th</sup>, 2017
- 420.604.** Approving Economic Development Incentive Agreement with Lincoln Hospitality LLC, June 1<sup>st</sup>, 2017
- 420.605.** Approving a Property Lease for Grain Storage with NORAG on a 1.38-Acre Parcel at the Big Sandy Addition, June 13<sup>th</sup>, 2017
- 420.606.** Amending the Official Zoning Map of The Town of Limon and Changing the Zone District on All of Blocks 1, 7, 8, 9 And 10 And Lots 1-6 Of Block 11 of the Nuttings East Addition of the Town of Limon; July 6<sup>th</sup>, 2017
- 420.607.** Amending Chapters 100 and 200 of Land Development Code, July 6<sup>th</sup>, 2017
- 420.608.** Approving an Economic Development Incentive Agreement with Oasis Hospitality LLC, August 3<sup>rd</sup>, 2017
- 420.609.** Amending Chapters 100, 200 and 500 of Land Development Code; October 5, 2017
- 420.610.** Budget Year 2018, December 7<sup>th</sup>, 2017
- 420.611.** Amending Ordinance No. 371 by Amending Chapter 137, Water Sewer Rates, December 7<sup>th</sup>, 2017
- 420.612.** Approving an Economic Development Incentive Agreement with Project Badger (Wausau), January 4<sup>th</sup>, 2018
- 420.613.** Setting Ballot Titles and Ballot Content to Implement the Town’s Grand Plan By Authorizing (I) A Sales and Use Tax Rate Increase and (Ii) The Issuance of Revenue Bonds to Finance Capital Improvements; Submitting the Ballot Issues at the Election To Be Held April 3, 2018, February 1<sup>st</sup>, 2018

- 420.614.** Submitting for Election the Re-Establishing Local Authority That Has Been Restricted by the Colorado General Assembly Since 2005 by Title 29, Article 27 of the Colorado Revised Statutes, to Provide "Advanced Services" (High-Speed Internet), "Telecommunications Services" and "Cable Services", February 1<sup>st</sup>, 2018
- 420.615.** Amending the Land Development Code of the Town of Limon adopted by Ordinance 376 By Annexing the State Highway 40 Addition to the Town of Limon with a Zone District Designation of Commercial District (C-1), and Open Space (OS) and Approving the Statement of Annexation, October 4<sup>th</sup>, 2018
- 420.616.** Approving a Development Incentive Agreement with Richard and Donna Metcalf (Recipient) for the Chisolm Estates Project, October 4<sup>th</sup>, 2018
- 420.617.** Budget Year 2019, December 6<sup>th</sup>, 2018



**500 - PUBLIC HEALTH**

**510 - General Administration**

HISTORY: 1958 Municipal Code

**510.1.** The Town Board of Trustees has full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property; to prevent the introduction of spreading within the town of Limon malignant, contagious, and infectious diseases, and to promulgate such rules and regulations as may be necessary to perform its functions.

**510.1.1.** The Town Board of Trustees, in addition to enforcing the above-mentioned regulations, has the authority to enforce such rules of the Colorado Department of Public Health and Environment (CDPHE) as are applicable to particular situations.

**510.2. Interference with Health Officials.** It shall be unlawful for any person or persons to molest, hinder, interfere with or in any manner prevent any individual designated by the Town Board of Trustees or any official of the Town of Limon from performing any duty imposed upon him by any rule of the State of Colorado, or Board of Trustees of the Town of Limon.



**511 - Licensing and Governance of Institutions**

(Deleted in its entirety on October 1, 2015, by Ordinance No. 584)



**512 - Care of Children for Hire**

(Deleted in its entirety on October 6, 1994, by Ordinance No. 380)



**513 - Uniform Building Code**

(HISTORY: Added by Ordinance No. 344, June 6, 1990; repealed and replaced by Ordinance No. 367, February 4, 1993; amended on August 1, 1966, by Ordinance No. 403; amended on January 2, 1997, by Ordinance No. 411; amended May 3, 2001, by Ordinance No. 463; amended January 3, 2008, by Ordinance No. 521; amended on October 1, 2015, by Ordinance No. 584.)

**513.1. Adoption of the International Building Code, 2006 Edition.**

**513.1.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Building Code of the Town of Limon, including Appendix G – Flood-Resistant Construction and Appendix J – Grading, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771 to have the same force and effect as if set forth herein in every particular.

**513.1.2.** The purpose of this code is to establish minimum standards to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency response and providing for the issuance of permits and collection of fees by the Town of Limon.

**513.1.3.** For the purpose of clarity within this code all buildings in excess of 120 square feet shall be anchored as required by the manufacturer or as specified by the Building Department in cases the manufacturer or constructor does not provide such standard.

**513.2. Adoption of the International Residential Code, 2006 Edition.**

**513.2.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Residential Building Code of the Town of Limon, including Appendix H – Patio Covers, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771 to have the same force and effect as if set forth herein in every particular.

**513.2.2.** The purpose of this code is to provide minimum standards to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability,

sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and providing for the issuance of permits and collection of fees by the Town of Limon.

### **513.3. Adoption of the International Mechanical Code, 2006 Edition.**

**513.3.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Mechanical Code of the Town of Limon, by reference thereto, the Uniform Mechanical Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.3.2.** The purpose of this code is to provide minimum standards to safeguard the life or limb, health, property and public welfare of the residents of Limon by regulating and controlling the design, construction, quality of materials, installation, location, operation and maintenance, or use of mechanical systems in Limon.

### **513.4 Adoption of the International Plumbing Code, 2006 Edition.**

**513.4.1** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Plumbing Code of the Town of Limon, by reference thereto, the International Plumbing Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.4.2** The purpose of this code is to provide minimum standards to safeguard life or limb, health property and public welfare of the residents of Limon by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing systems in Limon.

### **513.5. Adoption of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.**

(Deleted on November 7, 2014, by Ordinance No. 565; now in Section 514 of this code).

### **513.6. Adoption of the International Fire Code, 2006 Edition.**

**513.6.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Fire Code of the Town of Limon, by reference thereto, the International Fire Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.6.2.** The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing the reasonable level of safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations in Limon.

### **513.7. Adoption of the International Fuel Gas Code, 2006 Edition.**

**513.7.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Fuel Code of the Town of Limon, by reference thereto, the International Fuel Gas Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.7.2.** The purpose of this code is to provide minimum standards to safeguard the life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems in Limon.

### **513.8. Adoption of the International Energy Conservation Code, 2006 Edition.**

**513.8.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Energy Conservation Code of the Town of Limon, by reference thereto, the International Energy Conservation Code, 2006 Edition, published by the International Code Conference, 4051 West Flossmoor Road, Country Club Hills, IL, 60478-5771, to have the same force and effect as if set forth herein in every particular.

**513.8.2.** The purpose of this code is to regulate the design and construction of buildings for the efficient use of energy and is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the efficient use of energy. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

**513.9. Adoption of the National Electrical Code, 2005 Edition.**

**513.9.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Electrical Code of the Town of Limon, by reference thereto, the National Electrical Code, 2005 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269, to have the same force and effect as if set forth herein in every particular.

**513.9.2.** The purpose of this code is for the practical safeguarding of persons and property from hazards arising from the use of electricity. This code contains provisions that are considered necessary for safety. Compliance therewith and proper maintenance results in an installation that is essentially free from hazard, but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use in Limon.

**513.10. Code Copies.** At least one (1) copy of each code adopted herein by reference, all certified to be true copies by the Mayor and the Clerk of the Town of Limon, have been filed in the office of the clerk at least 15 days preceding the hearing hereon and shall be kept there for public inspection while this code is in force. Said copies may be inspected by interested persons between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The codes, as finally adopted, shall be available for review to the public through the office of the Town Clerk and available online. After the adoption of this ordinance and the codes herein stated by reference, the copy of said codes shall be kept in the office of the Building Department.

**513.11. Penalties and/or Amendments.**

**513.11.1.** The following section as contained in the International Building Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.1.1. Section 108.5 Related Fees.**

When Section 106 requires submittal documents, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1A for minor residential construction or when outside consultants are used for large residential or any commercial construction the plan review fee shall be the actual cost of review, with an estimate of the actual review cost paid in advance.

**513.11.1.2 Table 1A – Building Permit Fees.**

TOTAL VALUATION	Fee
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00 plus \$3.00 for each additional
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00 plus \$11.00 for each additional \$1,000.00 or fraction
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00 plus \$9.00 for each additional \$1,000.00 or fraction
\$100,001.00 to \$500,000.00	\$1,027 for the first \$100,000.00 plus \$7 for each additional \$1,000.00 or fraction
\$500,001 to \$1,000,000.00	\$3,827 for the first \$500,000.00 plus \$5 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00

\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000.00 plus \$3 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001 and over	\$18,327 for the first \$5,000,000.00; plus \$1 for each additional \$1,000.00 or fraction thereof

**Other Inspections and Fees**

1. Inspections outside normal business hours . . . \$47.00 per hour (minimum charge-one half hour)
2. Reinspection fees . . . . . \$47.00 per hour\*
3. Inspections for which no fee was specifically Indicated . . . . . \$47.00 per hour\* (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans . . . . . \$30.00 per hour\* (Minimum charge – one-half hour)
5. For use of outside consultants for plan checking and inspections, or both . . . . . Actual Costs

\* Or the total hourly cost of the jurisdiction, whatever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**513.11.2.** The following section as contained in the International Building Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.2.1. Section 113.4 Violation Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00).

**513.11.3.** The following section as contained in the International Residential Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.3.1. Section R113.4 Violation**

Penalties. Any person who violates a provision of this

code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.4.** The following section as contained in the International Mechanical Code, 2006 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.4.1. Section 108.4 Violation**

Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical work in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00).

**513.11.5.** The following sections as contained in the International Plumbing Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.5.1. Section 103.2 Administrative**

Authority. This Code is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over plumbing installations and for use by insurance inspectors. The Authority having jurisdiction for the enforcement of this Code shall be the Colorado State Plumbing Board pursuant to C.R.S. 12-58-104. The authority having jurisdiction for enforcement of the code will have the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting special permission contemplated in a number of the rules.

**513.11.5.2.** The authority having jurisdiction may waive specific requirements in this Code or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

**513.11.5.3.** This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such

event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this *Code* adopted by the jurisdiction.

**513.11.5.4. Section 108.4 Violation Penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical work in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.7.** The following sections as contained in the International Fire Code, 2006 Edition, are hereby added and herewith set forth in full and adopted, as follows:

**513.11.7.1. Section 104.1.1 Fire Suppression Systems.** The Colorado Division of Fire Safety, pursuant to C.R.S. 24-33.5-1202 through 24-33.5-1209, is authorized to administer and enforce this code in reference to requirements for installation, inspection, and maintenance of fire suppression systems.

**513.11.8.** The following sections as contained in the International Fire Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.8.1. Section 109.3 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.9.** The following sections as contained in the International Fuel Gas Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.9.1. Section 108.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements

thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**513.11.10.** The following section as contained in the National Electrical Code, 2005 Edition, is hereby amended and herewith set forth in full and adopted, as follows:

**513.11.10.1. Section 90.4. Enforcement.**

This *Code* is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations and for use by insurance inspectors. The Authority having jurisdiction for the enforcement of this *Code* shall be the Colorado State Electrical Board pursuant to C.R.S. 12-23-100.2. The authority having jurisdiction for enforcement of the code will have the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting special permission contemplated in a number of the rules.

**513.11.10.2.** The authority having jurisdiction may waive specific requirements in this *Code* or permit alternate methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

**513.11.10.3.** This *Code* may require new products, constructions, or materials that may not yet be available at the time the *Code* is adopted. In such event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this *Code* adopted by the jurisdiction.

**513.11.11.** The following sections as contained in the International Energy Conservation Code, 2006 Edition, are hereby amended and herewith set forth in full and adopted, as follows:

**513.11.11.1. Section 108.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, of a permit or certificate issued under the provisions of this code shall be subject to penalties as

described by law and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

### **513.12. Wind Powered Electricity–Generating Equipment.**

**513.12.1. Definitions.** The following definitions shall apply in the interpretation and enforcement of this code:

**513.12.1.1. Town Manager:** the Town Manager of the Town of Limon, Colorado, or the manager's designee.  
(Amended on May 6, 2010 by Ordinance No. 538)

**513.12.1.2. Wind Powered Electricity Generating Equipment (as used in this code):** any portion of the equipment used for generating electricity by means of and through the use of wind.

**513.12.1.3. Mast:** that portion of an outside wind-powered electricity-generating system to which the system is attached, and the supporter extension required to elevate the system to a height deemed necessary for adequate operation.

**513.12.1.4. Height:** the overall vertical length of the system above the ground, or, if such system be located on a building, then, above that part of the level of such building upon which the system rests.

**513.12.1.5. Person:** any person, firm, partnership, association, corporation, company or organization of any kind.

**513.12.2. Permit Required.** It shall be unlawful for any person to install, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any wind-powered electricity-generating system, any additions to, or substitutions for, said system unless and until an inspection permit shall have first been obtained from the Town Manager or the manager's designee.

### **513.12.3. Fees.**

**513.12.3.1.** An inspection fee of \$25.00 shall be paid for each permit issued under Section **513.12.2.**

**513.12.3.2.** A re-inspection fee of Twelve Dollars and Fifty Cents (\$12.50) shall be paid for each trip when extra inspections are necessary due

to any one of the following reasons: (1) wrong address; (2) condemned work resulting from faulty construction; (3) repairs or corrections not made when inspection is called; (4) work not ready for inspection when called.

**513.12.4. Application Data.** Application for permits shall be made upon a blank form provided by the Town Manager and shall contain or have attached thereto the following information:

**513.12.4.1.** Name, address and telephone number of the owner.

**513.12.4.2.** The legal description of the premises on which the installation is to be made.

**513.12.4.3.** Whether it is a new installation, repair or maintenance work.

**513.12.4.4.** A blueprint or ink drawing of the plans and specifications and method of installation and attachment to the building or in the ground.

**513.12.4.5.** Name of the person making the installation.

**513.12.4.6.** Such other information as the Town Manager shall require to show full compliance with this and all other laws, codes and ordinances of the Town.

### **513.12.5. Town Manager - Duties, Rights and Powers.**

**513.12.5.1.** It shall be the duty of the Town Manager or the manager's designee to inspect all wind-powered electricity-generating systems to ascertain if the work has been done in a workmanlike manner and to investigate all complaints from the general public pertaining to said system installations.

**513.12.5.2.** The Town Manager or the manager's designee is hereby empowered to inspect or re-inspect any wiring, equipment or apparatus conducting or using electric current generated by any wind-powered electricity-generating system in Limon, and if conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this code, the Town Manager shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a forty-eight hour period or within the time the Town Manager specifies. Failure to correct violations within the specified time shall constitute a violation of this code.

**513.12.6. Unlawful to Interfere with Town Manager.** It shall be unlawful for any person to hinder or interfere with the Town Manager or the manager's designee in the discharge of their duties under the provisions of this code.

**513.12.7. Notice for Inspection.** The person to whom a permit has been granted for the installation of a wind-powered electricity-generating system shall immediately notify the Town Manager when the work covered by the permit has been completed and is ready for final inspection. Upon such notice, the Town Manager or manager's designee shall promptly inspect and approve the installation if the work complies in all respects with the provisions of this ordinance and the permit, and shall disapprove said installation if it fails to comply, stating in writing the reasons for disapproval and specify a time within which said defects must be corrected. A re-inspection shall be made after notice to the Town Manager that the defects have been corrected.

**513.12.8. Bond Required.**

**513.12.8.1.** Every person engaged in the business of making wind-powered electricity-generating system installations, repairs and doing maintenance work on same shall annually file with the Town Manager a good and sufficient bond in the sum of Three Hundred Thousand Dollars (\$300,000.00), executed by a bonding or surety company authorized to do business in the State of Colorado and approved by the Town Attorney. Said bond shall be conditioned upon the faithful observance of all laws, codes and ordinances of the Town of Limon and shall indemnify, save and keep harmless the Town from any and all damages, judgments, costs or expenses which the said Town may incur or suffer by reason of the granting of a permit to install, repair or maintain said system or any services thereto. Said bond shall run to the Town of Limon, Colorado, for the use and benefit of any person who may suffer injuries or property damage by reason of the permit granted hereunder. The maintenance of said bond in full force and effect shall be a prerequisite to the issuance of any permit required under the provisions of this ordinance. A liability insurance policy issued by an insurance company authorized to do business in the State of Colorado which conforms to the above requirements may be permitted in lieu of a bond.

**513.12.8.2.** This provision shall not apply to personal installations, repairs or maintenance of said system by an owner or occupant, provided, however, that said owner or occupant gives sufficient proof to the Town Manager of their qualification and capability

and is qualified to perform the work in conformity with the provisions of this code, and provided, further, that said owner or occupant files with the application for a permit an affidavit stating that the installation, repair or maintenance will be on the owner's own premises only, and that all necessary work will be done personally and without the assistance of any other person.

**513.12.9. Technical Requirements.** All wind-powered electricity-generating system installations from and after the effective date of this code shall be made in accordance with the following rules and regulations:

**513.12.9.1.** Masts and associated equipment shall be of noncombustible and corrosive-resistant material.

**513.12.9.2.** Every mast and system installed on a roof shall be mounted on its own platform or plate covering two or more rafters of the roof and shall be securely anchored with guy wires.

**513.12.9.3.** Masts and systems shall not be fastened directly to the roof or supported by combustible members or materials.

**513.12.9.4.** All outdoor equipment shall be of an approved type, and shall not exceed the maximum height of ten (10) feet above a roof support or thirty (30) feet above a ground support.

**513.12.9.5.** Every mast and associated system must be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire.

**513.12.9.6.** In no case shall a system be installed nearer to the street or sidewalk than the height of the associated wind system plus ten (10) feet, and no wire, cables or guy wires shall cross or extend over any part of any street, or sidewalk or public right of way.

**513.12.9.7.** Whenever it is necessary to install a mast and associated system near power lines, or where damage would be caused by its falling, a separate safety wire must be attached to the cross-arm of the system, and secured in a direction away from the hazard.

**513.12.9.8.** Anchor points for systems, masts and guy wires must be lead anchor screws or lead expansion shields drilled into solid block, concrete or other noncombustible construction.

**513.12.9.9.** Transmission lines must be kept at least twenty-four (24) inches clear of telephone or electric wires.

**513.12.9.10.** Rawl plugs are approved only for supporting transmission lines.

**513.12.9.11.** Stand-off support insulators must be used at least every ten (10) feet running on the transmission line.

**513.12.9.12.** Lightning arrestors shall be approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line.

**513.12.9.13.** Masts and systems shall be designed and installed to withstand a wind pressure of 25 pounds per square foot and in no case shall guy wires be less than 3/32", 5-strand cable or equivalent, galvanized. Rawl plugs shall not be used for guy wires or for mounting brackets.

**513.12.9.14.** Ground straps for grounding masts and attaching arrestors to water pipe shall be an approved ground fitting.

**513.12.9.15.** The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or shepardizing process after forming. These finishes are selected to guard against corrosion due to stack gases and other deposits and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.

**513.12.9.16.** Turnbuckles shall be protected against turning by threading the guy wires through the turnbuckle.

**513.12.9.17.** Ground wires shall be the type approved by the National Electric Code of 1999 as adopted by reference by this code of the Town of Limon, Colorado, for grounding masts and lightning arrestors, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible material.

**513.12.9.18.** All other provisions of the National Electric Code of 1999, as adopted by reference by this code, shall apply to the installation, repair and maintenance of any wind-powered

electricity-generating system in the Town of Limon, Colorado.

**513.12.10. Materials to be Approved Type.** No electrical materials, devices or equipment designed for attachment to or installation on any electrical circuit or system in Limon shall be installed or used for use within Limon unless they are in conformity with the approved methods of construction for safety to life and property, and unless the electrical materials, devices or equipment conforms with the standards of the National Electric Code of 1999, current as of the time of installation. Original manufacturer's equipment shall not be altered unless such alterations are specifically recommended by the manufacturer.

**513.12.11. Maker's Name, Etc., Required on Equipment.** The maker's name, trademark, or other identification symbol shall be placed on all electrical devices or equipment that use 115 volts or more which are sold, offered for sale or use or used in Limon, Colorado. These markings and others such as voltage, amperage, wattage, and power-factor or appropriate ratings described in the National Electric Code of 1999, shall be required, and are necessary to determine the character of the material, device or equipment and the use for which it is intended.

**513.12.12. Repairs without Permit.** Notwithstanding anything herein to the contrary, repairs to the system may be made without the necessity of a permit, provided, however, that a prompt report thereof is made to the Town Manager showing the extent thereof. Should an investigation of said repairs by the Town Manager disclose defects, the same shall be pointed out and corrected as required by **Section 513.5.2.**

**513.12.13. Codes Supplemental to this Code.** The National Electric Code of 1999, as the same may be amended, before the adoption of this code, is hereby adopted and approved as a part of this code as a minimum standard. The provisions of this code shall also be deemed as supplemental to the Electrical and Building Codes of the Town of Limon, Colorado, and any other pertinent law or codes of the Town, and all work shall conform to these requirements.

**513.12.14. Authorizing Additional Rules.** In order to take advantage of progress and change in the industry, the Town Manager may consult with members of the industry and other qualified persons and may put into effect any reasonable rules and regulations not in conflict with the provisions of this code.

**513.12.15. Penalties for Violations.** Any person violating any of the provisions of this code shall, upon conviction be subject to a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

(Amended January 2, 1997, by Ordinance No. 411; amended May 3, 2001, by Ordinance No. 463; amended May 3, 2001, by Ordinance No. 463; amended January 3, 2008, by Ordinance No. 521; amended on October, 1, 2015, by Ordinance No. 584).



## 514 - Abatement of Dangerous Buildings

(Added on November 7, 2013, by Ordinance No. 565).

**514.1. Purpose and Scope:** It is the purpose of this Ordinance to provide a just, equitable, and practicable method whereby buildings or structures, which, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished. The provisions of this Ordinance shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous within Limon.

**514.2. Dangerous Building Defined:** A "dangerous building" is any building or structure deemed to be dangerous under any of the following provisions:

**514.2.1.** Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

**514.2.2.** Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

**514.2.3.** Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed by the Uniform Building Code defined in Section 513 of the Municipal Code for new building of similar structure, purpose, or location.

**514.2.4.** Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose, or location.

**514.2.5.** Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

**514.2.6.** Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Uniform Building Code defined in Section 513 of the Municipal Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such buildings.

**514.2.7.** Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

**514.2.8.** Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction; removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

**514.2.9.** Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

**514.2.10.** Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

**514.2.11.** Whenever the building or structure, exclusive of the foundation, shows thirty three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

**514.2.12.** Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereof for the purpose of committing unlawful or immoral acts.

**514.2.13.** Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Uniform Building Code defined in Section 513 of the Municipal Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

**514.2.14.** Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member Or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

**514.2.15.** Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by a town, county, or state health officer, or caseworker to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.

**514.2.16.** Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Limon Area Fire Protection District Chief, or appropriate county or state officials, to be a fire hazard.

**514.2.17.** Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or by state statute.

**514.2.18.** Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in

excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**514.3. Nuisance Declared; Prohibited:** All buildings or portions thereof which are determined after inspection by the Town's representative to be dangerous as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this Ordinance.

**514.4. Enforcement; Inspection; Determination:**

**514.4.1.** The Town Manager or the manager's designee shall enforce the provisions of this Ordinance. This Town Representative shall have at least the minimum training, or experience education necessary to interpret and enforce the provisions of this Ordinance and may employ, if deemed necessary, engineering or other technical expertise to determine those portions of the dangerous building definition applicable to structural or construction issues.

**514.4.2.** The Town Representative is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

**514.4.3.** When it is necessary to make an inspection to enforce the provisions of this chapter, or when the Town Representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such building or premises is occupied, that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the Town Representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Town Representative shall have recourse to the remedies provided by law to secure entry including an inspection order issued by the municipal court judge.

**514.5. Abatement; Proceedings:**

**514.5.1.** When the Town Representative has inspected or caused to be inspected any building and has found and determined that such building is a

dangerous building, the Town Representative shall commence proceedings to cause the repair, vacation or demolition of the building.

**514.5.2.** The Town Representative shall issue a notice and order directed to the record owner of the building and to the occupant of the building, if known.

**514.5.2.1.** The notice and order shall contain the following:

**514.5.2.1.1.** The street address and a legal description sufficient for identification of the premises upon which the building is located.

**514.5.2.1.2.** A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of this Ordinance.

**514.5.2.1.3.** A statement of the action required to be taken as determined by the building official. Such statement of action may be one of the following:

**514.5.2.1.3.1.** If the building official has determined that the building or structure must be repaired, the order shall require that the owner obtain all necessary permits, if any, and that all repairs commence within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

**514.5.2.1.3.2.** If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

**514.5.2.1.3.3.** If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefore within sixty days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

**514.5.2.1.4.** Statements advising that if any required repair or demolition work is not commenced within the time specified, the building

official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

**514.5.2.1.5.** Statements advising that the order may be enforced by the municipal court for the Town of Limon.

**514.5.3.** Service of the notice and order may be made upon the owner or possessor of the property by either mailing a copy of the notice and order to the owner or possessor by certified mail, delivering a copy of the notice and order to the owner or possessor at his or her address or wherever he or she may be found, and/or by posting such notice and order to the front door or other visible portion of the subject property. Effort shall be made to obtain personal delivery whenever possible.

## **514.6. Abatement Enforcement**

**514.6.1. Refusal to Comply:** Should the owner, or person or persons in control of the dangerous building fail or refuse to comply with the notice and order issued by the Town's representative within the time required by this Ordinance, the Town's Representative, through the Limon Police Department, shall cause a summons and complaint to be served upon the person or persons, in accordance with the Colorado Municipal court rules of procedure, requiring the person or persons to appear in Limon Municipal Court on a date certain to answer the charges against him or her. Nothing in this Ordinance shall be construed to prevent the Town from taking immediate action to abate the dangerous building if in the Town's representative's discretion immediate action is required due to an imminent and immediate hazard, danger, and safety factor existing to the public at large if immediate action is not taken.

**514.6.2. Abatement:** The Town, through its Representative, upon the determination that an owner, person, or persons, in control of a dangerous building, has failed and refused to bring the dangerous building into compliance, and/or upon a finding of the Limon Municipal Court judge that the subject property is in violation of this Ordinance, may take such action as is necessary to abate the dangerous building and to bring the subject property into compliance. The whole cost, thereof, including the Town's reasonable costs (including legal, engineering, and other technical expenses) incurred in enforcing this Ordinance, together with five percent (5%) for inspection and other incidental costs in connection therewith, shall be

assessed upon the lots and tracts of land which have been adjudicated to be a dangerous building. The assessment shall be a lien against each lot or tract of land until paid, the expenses and assessment to be paid within thirty (30) days of assessment. The land owner may request a motion before the municipal court upon the reasonableness of the assessment provided that such request is made within ten (10) days of the assessment.

**514.6.3. Certification to County Treasurer:**

In the event the assessment for the abatement of the dangerous building is not paid within thirty (30) days of the final billing of the Town, or of such deadline as is established by the Limon Municipal Court, whichever the case may be, the Town may certify the sum owed to the Lincoln County Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected against real property.

**514.7. Violation; Penalty:** It shall be unlawful for any person, firm, or corporation to allow, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, maintain, or allow any building or structure or cause or permit the same to exist or to be done in violation of the terms of this Ordinance. Those persons or entities in violation of the provisions of this Ordinance shall be subject to a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) for each violation of this Ordinance, and for each day that the property is in violation with the provisions of this Ordinance.



## 515 - Manufactured Home Installation Code

(HISTORY: Added August 2, 2002, by Ordinance No. 464; amended on October 1, 2015, by Ordinance No. 584)

**515.1. Scope.** Every manufactured home installed after the effective date of this code that is installed in a temporary or permanent location and is designed and commonly used for occupancy by persons for residential purposes, must display an insignia issued by the Colorado Division of Housing certifying that the unit is installed in compliance with the standards adopted in Section **515.6**.

### 515.2. Definitions.

**515.2.1. Certificate of Occupancy:** both a certificate issued by the Division of Housing for the installation of a manufactured home that is in compliance with the manufactured home installation requirements of the Division and a certificate issued by the Town of Limon that indicates the installation has met the requirements of the Land Development Code of the Town of Limon.

**515.2.2. Certified Inspector:** any employee of the Town of Limon or a person designated by the Town Manager who has been approved by the Division to perform or enforce installation inspections.

**515.2.3. Certified Installer:** an installer of manufactured home who is registered with the Division of Housing, has installed at least five manufactured homes in compliance with the manufacturer's instructions or standards created by the Division of Housing and adopted by the Town of Limon by this code, and is currently approved as a certified installer by the Division.

**515.2.4. Division:** the Colorado Division of Housing.

**515.2.5. Insignia:** a certificate issued by the Division of Housing to indicate compliance with the manufactured home installation regulations established by the State Housing Board.

**515.2.6. Installation:** the placement of a manufactured home on a permanent or temporary foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing or anchoring such home and connecting multiple or expandable sections of such home.

**515.2.7. Installer:** any person who performs the installation of a manufactured home.

**515.2.8. Installer's Certificate:** a notice when posted on the site of an installation that the installer has made application to install a manufactured home and has received authorization to install. The installer's certificate shall be referred to as the installation certificate.

**515.2.9. Manufactured Home:** any pre-constructed building unit or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and

commonly used for the occupancy by persons for residential purposes, in either temporary or permanent locations and which unit or units are not licenses as a vehicle. Manufactured home includes mobile homes, manufactured homes built to HUD standards, and factory-built units built to the building code standards established by the Division.

**515.2.10. Manufacturer:** any person who constructs or assembles a manufactured home in a factory.

**515.2.11. Owner:** the owner of a manufactured home or property.

**515.2.12. Participating Jurisdiction:** the Town of Limon which has agreed to administer and inspect manufactured housing installations within the legal boundaries of its jurisdiction.

**515.2.13. Registered Installer:** an installer who has registered with the Division and is in compliance with the manufactured home installation program requirements.

### **515.3. Installers of Manufactured Homes – Registration and Education.**

**515.3.1.** C.R.S. 24-32-3315 requires any installer in Colorado shall first register with the Division.

**515.3.2.** The installer shall be responsible for the proper and competent performance of all employees working under his or her supervision.

**515.3.3.** Temporary installation for the purpose of a home display which will be relocated to another location prior to use as a residence is exempted from this code.

#### **515.3.4. Installation by Owners.**

**515.3.4.1.** A person who owns the manufactured home or the real property where the home is to be installed, is not required to register as an installer with the Division, but shall comply with all provisions of this ordinance other than registration provisions.

**515.3.4.2.** A person who installs more than one manufactured home in a twelve-month period either owned or on real property owned by such person must register as an installer and shall comply with all registration provisions.

**515.3.5. Registered Installers.** In order to be registered as a manufactured home installer, pursuant to C.R.S. 24-32-3315 (2014), the Division requires:

**515.3.5.1.** The applicant shall be at least eighteen (18) years of age.

**515.3.5.2.** An Application for registration or certification as a manufactured home installer by the Division, whether initial or renewal, shall be submitted on a form provided by the Division and shall be notarized and verified by a declaration signed under penalty of perjury by the applicant. The Division shall make the application and declaration available to the public.

**515.3.5.3.** At the same time that an application for registration is filed with the Division, the following must be submitted:

**515.3.5.3.1.** Proof in the form of a copy of a valid driver's license or certificate of birth that the applicant is at least eighteen (18) years of age; and

**515.3.5.3.2.** Written evidence of a minimum twelve (12) months of installation experience under direct supervision of a registered or certified installer; or equivalent training experience acceptable to the Division; and

**515.3.5.3.3.** Carry and provide proof of a contractor's liability insurance in an amount set by the Division but not less than one million dollars (\$1,000,000.00). The insurance policy shall contain a provision for the immediate notification of the Division upon cancellation; and

**515.3.5.3.4.** A letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer in the amount of ten thousand dollars (\$10,000.00) for the performance of installations pursuant to the manufacturer's instructions or standard promulgated by the Division and adopted by reference in Section **515.6**. A provision shall be included for the immediate notification of the Division upon cancellation; and

**515.3.5.3.5.** Written evidence of completion of eight hours of Division-approved installation education; and

**515.3.5.3.6.** Shall pass a Division-approved installation test.

**515.3.5.4.** Persons employed by a registered or certified installer, as well as persons employed by a legal or commercial entity employing a registered or certified installer, when performing installation functions under the direct on-site supervision of such installers are not required to register.

**515.3.5.4.1** The registered installer shall be responsible for supervising all employees and for the proper and competent performance of all employees working under his or her supervision.

**515.3.5.5.** A registration issued by the Division, pursuant to this section, shall be valid for one year from the date of issuance and shall not be transferred nor assigned to another person.

**515.3.5.5.1.** If any of the application information for the registered installer changes after the issuance of a registration, the registered installer shall notify the Division in writing within thirty (30) days from the date of the change.

**515.3.5.5.2.** The Division may suspend, revoke, or deny renewal of a registration if the registered installer fails to notify the Division of any change in the application.

**515.3.5.5.3.** Any registered or certified installer seeking to renew registration with the Division shall, at the time of applying for renewal, provide proof of liability insurance, proof of completion of eight hours of Division-approved installation education within the past twelve months, and letter of credit, certificate of deposit, or surety bond for the registration term in compliance with subsections (2) and (4) of this section.

**515.3.5.6.** The amount of the registration fee shall be no more than two hundred fifty dollars (\$250.00). If any of the application information for the registered installer changes after the issuance of a registration, the registered installer shall notify the Division in writing within thirty days from the date of the change. The Division may suspend, revoke, or deny renewal of a registration if the registered installer fails to notify the Division of any change in the application.

#### **515.4. Certified Installers.**

**515.4.1.** Any registered installer who has performed five (5) installations that have passed inspection by the Division or certified inspectors may apply to the Division for certification. The Division

shall issue certification to qualified registered installers. The Division shall not charge a fee for certification of installers.

**515.4.2.** The Division may certify any installer who provides evidence of five (5) or more installation of manufactured homes performed by such installer.

**515.4.2.1.** Evidence of installation shall include copies of all inspection reports made for each installation made by the Division or a certified installation inspector.

**515.4.2.2.** If in the judgment of the Division, such installer has demonstrated the ability to successfully complete installations of manufactured homes in accordance with the requirements, certification will be granted.

**515.4.2.3.** If the review of the evidence of the installations does not clearly demonstrate the ability to successfully complete installations in accordance with the requirements, the Division may require additional installations to be performed and reviewed prior to granting certification.

**515.4.3.** A certified installer may purchase from the Division, manufactured home installation certification insignias.

**515.4.3.1.** These insignias will be completed by the certified installer upon completion of the installation of the manufactured home and attached to the manufactured home within thirty (30) inches of the electrical service entrance.

**515.4.3.2.** The certified installer shall make required insignia reports to the Division and shall provide copies of such reports to the Town of Limon.

**515.4.4.** Installations by a certified installer do not require an inspection by the Division, a certified inspector or the Town of Limon.

**515.4.4.1.** Any certified installer installing a manufactured home in the Town of Limon shall provide a copy of the certified installer installation authorization to the Town of Limon prior to beginning installation.

**515.4.4.2.** Nothing in this section relieves the certified installer, manufactured housing unit owner or property owner from meeting all requirements of the Land Development Code of the Town of Limon.

**515.5. Certified Installation Inspectors.**

**515.5.1.** The Town of Limon has elected to participate in the Colorado Manufactured Housing Installation Program and therefore will provide all inspection of manufactured housing installations within its jurisdiction, except those provided by a certified installer as described in Section **515.4.**

**515.5.2.** The Town of Limon may, if a certified installer is not presently employed by the Town of Limon, or is not available to complete an installation inspection, request the Division or a certified inspector to complete the installation inspection.

**515.6. Standards.**

**515.6.1.** The Division has adopted standards to be used state-wide for the installation, inspection and enforcement of the installation of manufactured homes.

**515.6.1.1.** Pursuant to C.R.S. 24-32-3106, a local government unit may not adopt less stringent standards for the installation of a manufactured home than those adopted by the Division.

**515.6.2.** Pursuant to the standards adopted by the Division, the following standards shall be adopted by the Town of Limon:

**515.6.2.1.** The primary standard as required for all new homes shall be the Home Manufacturer's written Installation Instructions.

**515.6.2.2.** Alternate standard when the Home Manufacturer's written Installation Instructions are not available shall be adopted as follows:

**515.6.2.2.1.** Adoption of the Permanent Foundations Guide for Manufactured Housing, 1996 Edition.

**515.6.2.2.1.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Manufactured Home Installation Code of the Town of Limon for manufactured home being installed on a permanent foundation when the manufacturer's written installation instructions are not available.

**515.6.2.2.1.2.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the installation of manufactured homes on permanent foundations

when the Home Manufacturer's written instructions are not available while meeting the requirements of Colorado Revised Statutes, Title 24, Article 32, Part 31 in the Town of Limon.

**515.6.2.2.2. Adoption of the NCSBCS/ANSI A225.1, 1994/1999 Edition.**

**515.6.2.2.2.1.** Pursuant to Colorado Revised Statutes 31-16-201, *et. seq.*, as amended, there is hereby adopted as the Manufactured Home Installation Code of the Town of Limon for manufactured home being installed on a temporary foundation when the manufacturer's written installation instructions are not available.

**515.6.2.2.2.2.** The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the installation of manufactured homes on temporary foundations when the Home Manufacturer's written instructions are not available while meeting the requirements of Colorado Revised Statutes, Title 24, Article 32, Part 31 in the Town of Limon.

**515.6.2.3.** When alternate standards are used for the installation, inspection and enforcement of the installation of a manufactured home, the applicant for installation authorization shall submit a plan for installation for review by the Town of Limon.

**515.6.2.3.1.** The alternate standard for temporary foundation sets is the NFPA 225, 2013 Edition, as amended. Site-built permanent foundations must be built in accordance with Limon Building Department requirements and must be engineered or built to conform with the alternate standard for permanent foundation sets, which is the September, 1996 Edition or most recent version of the HUD Permanent Foundations Guide for Manufactured Housing.

**515.6.2.3.2.** The Board of Trustees shall have the authority to establish a fee structure for such plan review.

**515.6.2.3.3.** All plans submitted shall meet the requirements establish in the alternative code applicable to the project including requirements for engineering and sealing of plans.

**515.6.2.4.** No manufactured home shall be installed which does not meet the following minimums:

**515.6.2.4.1. Wind Zone: Zone 1****515.6.2.4.2. Thermal Zone 3****515.6.2.4.3. Roof Load thirty (30)**

psi.

**515.7. Inspection Procedures.**

**515.7.1.** The Division shall adopt a standard Installation Authorization to be used statewide including a standard inspection form, and minimum inspection form requirements.

**515.7.2.** Prior to beginning the installation of a manufactured home, the owner, registered or certified installer of a manufactured home or property owner shall make an application for an Installation Authorization from the Town of Limon.

**515.7.2.1.** At the time of application for an Installation Authorization, if the primary standard for the installation shall be used, the Manufacturer's written Installation Instructions shall be submitted to the Town of Limon.

**515.7.2.2.** If the primary standard is not being used, the Town of Limon shall determine the appropriate alternate standard to be used.

**515.7.2.3.** The Board of Trustees of the Town of Limon shall have the authority to adopt a fee schedule for Installation Program Fees including Insignia Fees, Inspection Fees and Re-inspection Fees.

**515.7.3.** Owners, registered installers, certified installers and property owners shall display an Installation Authorization at the site of the manufactured home certifying compliance.

**515.7.3.1.** Each authorization for installation will contain the identity of the installer and owner as well as phone number and contact person and identify the installer as owner, registered or certified.

**515.7.3.2.** The certificate shall also include the name, address and telephone number of the Town of Limon as the agency issuing the Installation Authorization.

**515.7.4.** If the primary standard is being used to install the manufactured home, a copy of the manufacturer's instructions shall be available at the time of installation and inspection.

**515.7.4.1.** The installer is responsible to maintain a copy of the manufacturer's instructions at the installation site.

**515.7.4.2.** Whenever the manufacturer's instructions are not present at the time of inspection, the inspector may reschedule the inspection.

**515.7.4.3.** All costs of the inspection and the following re-inspection will be borne by the installer.

**515.7.5.** The owner, installer, manufacturer, or retailer shall have the right to be present at any inspection.

**515.7.6.** All manufactured homes that are found to be in compliance with installation standards shall have an insignia of installation completed and permanently attached by the inspector making the inspection.

**515.7.6.1.** Installation made by a certified installer may be inspected and certified by the installer. Such installations do not require inspection by the Town of Limon.

**515.7.6.2.** The certified installer shall complete and permanently attach an insignia when the installation is complete and make Insignia Reports to the Town of Limon as required.

**515.7.7.** When a manufactured home installation is not found in compliance with the applicable manufacturer's instructions or the installation standard, the installer shall be notified in writing by the inspector.

**515.7.7.1.** The inspector may at the time of inspection, include in the inspection report instructions for the installer to call for re-inspection at any stage to prevent cover up of any part of the installation requiring re-inspection by the inspector.

**515.7.7.2.** The installer shall pay for any repairs required to bring the installation into compliance including any subsequent inspections required.

**515.7.7.3.** If a vacant manufactured home fails the installation because of conditions that endanger the health and safety of the occupant, the manufactured home shall not be occupied and the manufactured home shall be visibly posted with notification to prevent occupancy.

**515.7.7.4.** If the manufactured home fails the installation inspection because of conditions that

do not endanger the health or safety of the occupant, the manufactured home may be occupied pending the correction of those defects or deficiencies that served as the basis of the failed inspection.

**515.7.8.** Application of the Certification Insignia is evidence that permanent utilities may be installed.

**515.7.9.** Permanent Insignia application is required prior to occupancy of the home.

**515.7.10.** If an installation or subsequent repair of an installation by an installer fails to meet the instructions or standards within the time limit allowed by the inspector, the inspector shall notify the installer that the installation is in default.

**515.7.10.1.** The installer shall be given ten (10) working days after notification of default to bring the installation into compliance.

**515.7.10.2.** The Town of Limon may request that the Division investigate the installation.

**515.7.10.3.** The Division may revoke, suspend, or fail to renew the registration or certification of the installer and cause the forfeiture of the installer's surety bond on behalf of the owner of the manufactured home for failing to comply with the Division's and Town of Limon's standards regarding installation of a manufactured home.

#### **515.8. Investigation of Consumer Complaints.**

**515.8.1.** The Division and/or the Town of Limon may investigate complaints filed by owners, occupants, dealers, manufacturers or other parties relating to the installation of manufactured homes as necessary to enforce and administer these regulations.

**515.8.2.** In addition to the required inspections, the Division may inspect the installation of a manufactured home upon written complaint filed by the owner installer, manufacturer, or dealer of a manufactured home.

**515.8.2.1.** The requesting party shall pay for the inspection prior to the Division's inspection.

**515.8.2.1.** Homeowners are exempt from paying inspection fees.

**515.8.3.** The Town of Limon shall file a written complaint with the Division against any installer who has been notified that the installation is in default.

**515.8.4.** If the installation of a manufactured home by an installer fails the requested complaint inspection, the installer shall reimburse the Division for the cost of the failed inspection.

**515.8.5.** The installer shall also pay for any subsequent repairs necessary to bring the installation into compliance with the manufacturer's instructions or standards.

**515.8.6.** The installer shall also pay for any subsequent inspections required by the Division.

**515.8.7.** Failure of the installer to pay for any inspections or subsequent repairs deemed necessary by the Division shall result in the revocation of registration and/or forfeiture of the installer's performance bond on behalf of the owner of the manufactured home.

#### **515.9. Suspension or Revocation.**

**515.9.1.** The Division may suspend or revoke the registration or certification of an installer if the person fails to:

**515.9.1.1.** File with the Division and keep in force a letter of credit, certificate of deposit, or surety bond as required; or

**515.9.1.2.** File with the Division and keep in force required liability insurance; or

**515.9.1.3.** Pay assessed inspection costs; or

**515.9.1.4.** Make any subsequent repairs that are necessary to bring the installation into compliance with the manufacturer's instructions or the standards promulgated by the Division and described in the code.

**515.9.2.** The Division may temporarily suspend a registration or certification if proof of insurance or surety bond has expired.

**515.9.3.** The Division may revoke the certification of a Certified Installer and replace it, at the Division's discretion, with the status of Registered Installer.

**515.9.3.1.** All unused installation insignias must be returned to the Division immediately and the installer will lose the right to purchase and install insignias.

**515.9.4.** When the Division revokes a registration or certification, the installer may reapply as a

registered or certified installer one year after the date of revocation.

**515.9.5.** Installers whose registration or certification has been revoked or suspended may appeal the Division's decision to the State Housing Board for reinstatement.

**515.10. Revocations, Suspension and Appeal Process.**

**515.10.1.** The Colorado Housing Board may revoke or suspend a certification or registration after notice and hearing pursuant to C.R.S. 24-4-104 and 24-4-105.

**515.10.2.** Judicial review of the certification or registration revocation actions by the Division or the Colorado Housing Board shall be governed by C.R.S. 24-4-106.

**515.11. Installation Certification Insignia.**

**515.11.1.** The Division shall adopt a standard Insignia to be used statewide as a certification of installation certifying that the manufactured home was installed in compliance with the provisions of C.R.S. Title 24, Article 32, Part 31 and regulations promulgated by the Division.

**515.11.2** Insignia's shall remain the property of the state of Colorado and are not subject to refund.

**515.12. Installation Warranty Period.** Registered and certified installers shall warranty the installation of a manufactured home for one year from the date the insignia was affixed to the manufactured home.

**515.11. Penalties and/or Amendments.**

**515.12.1. Penalties:**

**515.12.1.1.** It shall be unlawful for any person, firm or corporation to install, use, occupy or maintain any manufactured home or cause or permit the same to be done in violation of this code.

**515.12.1.2.** Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00).

**515.12.2.** The following amendments, by addition, deletion, revision and exceptions are made to NFPA 225, 2013 Edition; Definitions:

**515.12.2.1. Architect:** A State of Colorado Licensed Professional Architect.

**515.12.2.2. Carport:** An awning or shade structure for a vehicle(s) that is freestanding entirely open on two or more sides, and not attached to a Manufactured Home.

**515.12.2.3. Engineer:** A State of Colorado Licensed Professional Engineer.

**515.12.2.4. Geologist:** A State of Colorado Licensed Professional Geologist or Engineer.

**515.12.2.5. Manufactured Home:** A structure, transportable in one or more sections that, in its traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site is more than three hundred twenty (320) or more square feet; that is built on a permanent chassis; that is designed to be used as a dwelling; that may or may not have a permanent foundation; that is connected to the required utilities; and that contains the plumbing, heating, air conditioning, and electrical systems, except that such term shall include any structure that meets the size requirements and for which the manufacturer has voluntarily filed a certification required the Secretary of Housing and Urban Development (HUD); and that complies with the Manufactured Home

**515.13. Encroachments and Setback Distances.**

**515.13.1.** All requirements of the Land Development Code of the Town of Limon regarding encroachments in streets, yards and courts shall be obeyed, and required setbacks from property lines and public roads shall be met.

**515.13.2. Fire Separation Distances.** The distance a home must be sited from other structures depends on its fire resistance rating. No manufactured home may be installed closer than ten (10) feet from another primary structure.

**515.13.3. Bearing Capacity.** Test the bearing capacity of the soil in accordance with 3.2.3 before designing the foundation. If the soil cannot be tested, but its type can be identified, use the foundation bearing pressures shown in table 3-1 as a guide. If the soil cannot be identified, use a bearing capacity of one thousand (1,000) pounds per square foot. Under

unusual conditions, or if the soil appears to be composed of peat or un-compacted fill, or has expansive characteristics, consult a local geologist, engineer, or architect.

**515.13.4. Soil.** Use a pocket penetrometer or other methods acceptable to the Town of Limon. The proper penetrometer reading must be taken after removing all organic material to undisturbed earth, at the foundation bearing level. The installer is responsible for documenting soil types and bearing capacities.

**515.13.5. Gutters and Downspouts.** When gutters and/or downspouts are installed, direct the runoff away from the home. The use of splash blocks and downspout extensions will enhance drainage away from the home.

**515.13.6. Foundation Requirements.** All exterior walls, marriage walls, marriage wall posts, columns, and piers must be supported on an acceptable foundation system that must be of sufficient design to support safely the loads imposed, as determined by the character of the soil.

**515.13.7. Height Above Grade.** Foundation wall shall extend at least six (6) inches above the finished grade adjacent to the foundation at all points.

**515.13.8. Minimum Foundation Wall and Wall Footing Thickness.** If masonry or concrete construction is used, the minimum foundation wall width shall be six (6) inches. The minimum reinforced concrete footing thickness shall be three and one half (3-1/2) inches or one and one half (1-1/2) times the length of the footing projection from the foundation wall, whichever is greater.

**515.13.9. Crawl Space Requirements (Basementless Spaces).**

**515.13.9.1. Height Requirement.** Ground level must be at least eighteen (18) inches below the bottom of wood floor joists and twelve (12) inches below the bottom of the chassis beams (See 515.4.1.3.3.)

**515.13.9.2. Interior vs. Exterior Ground Level.** The interior ground level must be above the outside finish grade with a minimum two percent (2%) slope to the exterior unless:

**515.13.9.2.1.** Adequate gravity drainage to a positive outfall is provided, or

**515.13.9.2.2.** A Professional Engineer or Architect certifies the permeability of the soil and the water table is such that water will not collect in the crawl space, or

**515.13.9.2.3.** A full perimeter foundation drain and sump pit are provided.

**515.13.9.3. Configuration.** Select manufactured pier heights so that the adjustable risers do not extend more than two inches (2") when finally positioned. All piers must rest on footings (see 515.4.2.) that extend below the frost line (see 515.4.2.2. for exemptions to placement) and are placed on either undisturbed soil or compacted fill except for interior heated areas which may bear above frost line on undisturbed soil or compacted fill.

**515.13.9.4. Design Procedures.** Pier height is to be measured from the top of the footing.

**515.13.9.5. Other Materials.** Other materials approved for footings may be used when approved by local authorities if they provide equal load-bearing capacity and resistance to decay. Examples include: one half inch (1/2") maximum crushed stone; three eighths inch (3/8") or three fourths (3/4") graduated gravel; coarse sand, with no grains smaller than one sixteenth inch (1/16"), placed so it provides a soil-bearing capacity of at least three thousand (3,000) pounds per square foot; approved ANS footings.

**515.13.10. Permanent Foundation.** See Permanent Foundations Guide for Manufactured Housing.

**515.13.11. Severe Wind Areas.** Consult the authority having jurisdiction or a Professional Engineer or Architect.

**515.13.12.** (Table 5-1) Normal Home Installations (Single – Or – Multi-section Homes)

**515.13.12.1. Piers-Ground Anchors:** The manufactured home rests on piers of concrete block; formed-in-place concrete; permanent wood; or steel pedestals on permanent wood, crushed stone, approved ABS, or concrete footers. The ground anchors are embedded at an angle in the soil to act as dead-men to resist the horizontal and vertical wind forces. Straps are tied to the frame, with or without over-the-top straps.

**515.13.12.2. Duct-work Cross-overs.** Clamp the flexible air conditioning and/or heating ducts to the sleeves projecting through the bottom covering, seal

the ducts' adjustable collars with several wrappings of duct tape, and suspend/support them above the ground (See Figure 5-1).

**515.13.12.3. Number and Location of Anchors:**

**515.13.12.3.1.** The home must be anchored to the ground in order to resist overturning and lateral movement (sliding) of the home caused by forces imposed by the wind. The Tie-Down Anchoring System described in this section is one acceptable method of anchoring the home to withstand its wind load.

**515.13.12.3.2.** Unless otherwise noted, all Tie-Down and Anchoring Instructions are for homes with roof pitches which do not exceed twenty (20) degrees (4.3 inches in 12 inches).

**515.13.12.3.3.** The Tie-Down Anchoring Devices shall be certified by a Registered Colorado Professional Engineer, Architect or a nationally recognized laboratory. They must be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a fifty percent (50%) overload (4,725 pounds total) at an angle of forty-five (45) degrees from the vertical. Ground anchors must be installed as specified by the Anchor Manufacturer.

**515.13.12.3.4.** Anchoring Equipment exposed to weather shall have a resistance to weather deterioration at least equivalent to that provided by a coat of zinc on steel of not less than 0.3 ounces per square foot of surface coated. Slit or cut edges of zinc-coated strapping do not need to be zinc coated.

**515.13.12.3.5.** Straps shall be Type 1, Finish B, Grade 1, steel strapping, 1-1/4 inches wide and 0.035 inches in thickness, certified by a Registered Professional Engineer or Architect, or listed as conforming with ASTM Standard Specification D3953-91, Standard Specification for Strapping, Flat Steel and Seals.

**515.13.12.3.6.** The home must be in its final position with sections fastened together prior to installing Tie-Down Equipment.

**515.13.12.4. Ground Anchors:**

**515.13.12.4.1.** Before Ground Anchor Installation, determine that the anchors will not be close to any underground utility lines.

**515.13.12.4.2.** The Ground Anchor Spacing and Installation Method were developed by the Manufactured Housing Research Alliance.

**515.13.12.4.3.** Ground Anchors shall be installed in accordance with the manufacturer's written instructions. The following is one example: Install the anchors at the locations selected from Table D when the home manufacturer's installation instructions are not available.

**515.13.12.4.4.** Steps for Proper Ground Anchor Installation. These steps must be followed to use Table D:

**515.13.12.4.4.1.** Place the Anchors approximately four (4) inches to the inside of the exterior wall line of the home or a sufficient distance to avoid interference with the skirting (See Diagram).

**515.13.12.4.4.2.** Hold the Anchor at an angle of approximately fifteen (15) degrees off of vertical so that the head of the Anchor is just outside the sidewall (See Diagram).

**515.13.12.4.4.3.** Install the Anchor to a depth of approximately one-third (1/3) the Anchor length.

**515.13.12.4.4.4.** Place a Stabilizer Plate (all lateral loaded Ground Anchor must have Stabilizer Plates) of the size indicated on the chart to the inside of the Anchor Shaft (side of Shaft toward center of house) and two (2) inches from the shaft (See Diagram).

**515.13.12.4.4.5.** Drive the Stabilizer Plate into the ground until the top of the Plate is flush with the surface of the ground.

**515.13.12.4.4.6.** Install the Anchor to its full depth/length.

**515.13.12.4.4.7.** Attach the Anchor Head to the chassis main rail with approved strapping and connection hardware in accordance with the Strap Manufacturer's Instructions.

**515.13.12.4.4.8.** Pretension the Anchor by pulling it up to the Stabilizer Plate. Pull the Anchor approximately one-half (1/2) inch more while it is in contact with the Plate using the Strap and take-up bolt to move the Anchor Head.

**515.13.12.4.4.9.** After all Anchors have been installed and pre-tensioned, recheck all

Anchor Straps to assure that they are tight and that the Anchor Shafts have remained in contact with the Stabilizer Plate.

**515.13.12.5.** Important Notes about the Anchor Spacing Selector

**515.13.12.5.1.** For homes with eight (8) foot sidewalls, reduce the recommended Anchor Spacing by one half (1/2) foot.

**515.13.12.5.2.** Do not use this chart for homes with roof slopes greater than twenty (20) degrees (approximately 4-in-12).

**515.13.12.5.3** Anchors are required within two (2) feet of each end wall.

#### **515.14. Installation of On-site Structures.**

**515.14.1.** Design all building and structures to support all of their own live and dead loads. All buildings and structures must meet the requirements of building codes as described in Chapter 513-Building Codes.

**515.14.2.** Porches. Site constructed porches must be constructed and inspected according to the requirements of Chapter 513-Building Codes.

#### **515.15. Skirting.**

**515.15.1.** Skirting shall be of durable materials suitable for exterior exposures. Skirting must not be attached in a manner that can cause water to be trapped between the siding or trim to which it is attached. All lumber and wood siding to be used within six (6) inches of the ground shall be pressure treated to prevent decay and termite infestations. Other materials may be used in accordance with the manufacturer's listing and written instructions.

**515.15.2.** Except unless otherwise specifically permitted by an engineer or architect, a uniform six (6) mil polyethylene sheet material or other acceptable vapor barrier material shall be installed on the ground surface between the home to further reduce moisture. When installed the integrity of the vapor barrier shall be maintained. When an acceptable ground vapor barrier is installed and one such ventilation opening is within three (3) feet of each corner of the home, the total area of ventilation openings may be reduced to one (1) square foot for every three hundred (300) square feet of the home's floor area.

**515.15.3.** Dryer vents, air conditioning condensation drains must pass through the skirting to the outside.

**515.16. Proper Procedures.** Utility connections should be made only by qualified service personnel. Electrical and Plumbing Permits may be required by the State of Colorado.

**515.17. Testing Procedures.** Even though the drainage system was tested at the factory, it shall be rechecked for leaks after installation at the site. This shall be accomplished by capping the building drain line, filling it with water and holding fifteen (15) minutes. In freezing conditions, add antifreeze to the P-traps.

**515.18. Code Copies.** At least one (1) copy of each code adopted herein by reference, all certified to be true copies by the Mayor and the Clerk of the Town of Limon, have been filed in the office of the clerk at least 15 days preceding the hearing hereon and shall be kept there for public inspection while this code is in force. Said copies may be inspected by interested persons between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The codes as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. After the adoption of this ordinance, and the codes herein stated by reference, the copy of said codes may be kept in the office of the Building Department instead of in the office of the Town Clerk.



## **520 – Nuisances**

HISTORY: Added July 28, 1958 by Ordinance No. 170; amended on January 2, 1994, by Ordinance No. 411; completely rewritten and readopted on October 1, 2015, by Ordinance No. 584.

**520.1. Nuisances Prohibited.** No person being the owner, agent, or occupant, or having under his or her control any building, lot or premises or unimproved real property within the Town limits shall maintain or allow any nuisance to be or remain thereon.

**520.2 Definitions.** As used in this Chapter, the following terms shall have the meanings indicated.

**520.2.1. "Hazard to health or safety"** includes any activity so recognized by the United States, the State of Colorado, or the Codes or Ordinances of the Town of Limon. Such hazards shall also include

activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of the municipality or adjacent property, create loud or offensive sounds or cause drainage and runoff to occur in other than historical flow rates and patterns.

**520.2.2. “Nuisance”** means any substance, act, occupation, condition or use of property declared a nuisance by this Chapter or declared a nuisance by the State of Colorado or by any court or agency thereof, or known as a nuisance by common law, or which is of such nature and duration as to:

**520.2.2.1.** Substantially annoy, injure, or damage the comfort, health, repose, or safety of the public.

**520.2.2.2.** In any way render the public insecure in life or in the use of property.

**520.2.2.3.** Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, or other public way.

**520.2.3. “Offensive or unwholesome business or establishment”** means any business or establishment involving the provision of goods or services to others in exchange for something of value, which business or establishment may create, foster, or maintain any hazard to health or safety.

**520.2.4. “Rubbish”** shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, refuse, trash, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks of loose discarded or unused material; used and discarded tires, tree branches not intended for approved burning described within this code and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

**520.2.5. “Weeds”** shall mean plants that are considered undesirable, unattractive, or troublesome, especially one that grows where it is not wanted and often grows or spreads fast or takes the place of or competes with desired and cultivated plants. Control of undesirable plants and noxious weeds are described in Section 525 of this code.

**520.2.6. “Person”** as used in this Chapter means a natural person, corporation, limited liability company, partnership, association, or any other legal or commercial entity.

**520.3. Authority of Town to Declare Nuisances.** Any act, condition, substance, occupation, or use of property which substantially meets the criteria of a hazard to health or safety as defined in Section 550.2.1 of this code is a nuisance as defined in Section 520.2.2 above and may be so declared by the Town Board of Trustees, and nothing in Section 520.4, below shall be construed to limit the power of the Board to make such declaration.

**520.4. Nuisances Declared.** All nuisances are prohibited. Nuisances shall include, but not be limited to, the following which are declared to be nuisances:

**520.4.1. Unwholesome Business.** Offensive or unwholesome businesses or establishments are prohibited. Any business not allowed in any district as set forth in the Limon Land Development Code, or placed in a district where such use is not allowed, is a nuisance.

**520.4.2. Noxious Substances.** The discharge of noxious liquids; the accumulation of stale, putrid or stinking substances; the allowing of water to remain on the surface of property and thereby turn stagnant, noxious, offensive, or a breeding ground for mosquitoes and other insects, are all declared to be nuisances.

**520.4.3. Vacant Buildings.** It is declared a nuisance for the owner of any vacant building to fail to replace any broken or missing window or door or fail to secure any other means of entry into such building within seventy two (72) hours after notice is given to the owner by the Town. Compliance with this portion of the Code shall not relieve the owner of such building from a possible adjudication of “dangerous building” as defined elsewhere in this Code.

**520.4.4. Accumulation of Rubbish.** Any accumulation of rubbish, as defined in this Code is hereby declared to be a nuisance.

**520.4.5. Smoke and Odor from Burning.** Any smoke and odor resulting from the burning of rubbish, trash, or other materials, including but not limited to those materials outlined in this Chapter shall be declared to be a nuisance with the following exceptions:

**520.4.5.1.** Burning of materials for instruction or for the public good and with the approval of the Limon Fire Protection District and the Town of Limon.

**520.4.5.2.** Burning of flares and such devices used for safety purposes.

**520.4.5.3.** Burning of material for the cooking of non-commercial food.

**520.4.5.4.** Burning within fire pits, barbecue grills and similar features for recreational purposes as defined in Section 550.1.11 of this code.

**520.4.6 Weeds.** Any owner, occupant, or manager of real property located within the Town of Limon shall not allow weeds to grow or accumulate on the property and shall cause the weeds to be cut close to the ground. Weeds, not cut close to the ground, are hereby declared to be a nuisance.

**520.4.7. Danger to Public Health and Property.** Any activity or thing, done or made, permitted or allowed, or continued on any property, public or private by any person, firm, corporation, their agents, servants or employees, hazardous to the health or safety, or to the damage or injury of any of the inhabitants of Limon, and not hereinbefore specified, shall be deemed a nuisance.

#### **520.5. Code Enforcement Officer.**

**520.5.1.** A Code Enforcement Officer shall be employed by the Town to address any complaints received from Town residents of an alleged nuisance and to address obvious investigation and inspection requirements. The Chief of Police shall also be consulted if the complaint concerns possible criminal conduct and / or if needed to maintain peace during the complaint, inspection, or abatement process. The Code Enforcement Officer, upon notification of an apparent nuisance problem, shall first make informal contact with the owner and occupant of the alleged offending property, either by letter or personal contact, informing the owner / occupant of the complaint and the action needed to remedy the problem. If the informal contact with the owner / occupant does not remedy the problem, the Code Enforcement Officer shall serve upon the owner and occupant a formal Notice of Violation and Order for action to be taken. The Notice shall refer to the applicable portions of the Town Code, the action to be taken by the owner / occupant / and the possible penalties and abatement procedures available to the Town, including having the matter set before the Limon Municipal Court. As indicated above, any notice given shall include the

requirements of Colorado Revised Statutes 31-15-401(1)(c) and 31-15-402 in those instances when the alleged offending property is occupied by someone other than the owner.

**520.5.2. Emergency Action Required.** Nothing in Section 520.5.1, above, shall prevent the Town, through its designated officers and agents, from taking immediate abatement action, including the use of force, when an emergency situation exists which in the reasoned opinion of the Town officers warrant immediate action. Such action may be taken in instances which include, but are not limited to, blockage of public roads and rights of way, danger to the Town water supply, dangerous chemical exposure and similar concerns. Further, abatement remedies do not necessarily have to be brought through the Limon Municipal Court but may be exercised at the discretion of the Code Enforcement Officer after consultation with the Police Chief.

#### **520.6. Abatement Procedures.**

**520.6.1. Abatement by Town.** If any owner, tenant, or agent in charge of real property shall allow a nuisance to exist on any lot, block, or parcel after being notified to abate the nuisance through the written notice as submitted by the Code Enforcement Officer, by a date certain, then the Town Manager or the manager's designee may direct that the nuisance be abated or caused to be abated by the Town, and charge the cost thereof to the owner, tenant, or agent in charge, together with five percent (5%) additional fee of the total cost, for inspection and other incidental costs. The total cost shall include the Town's legal fees spent in the prosecution of the matter, if any. Further, the Town may file a lien against each lot or tract of land, which created the nuisance, until paid and such lien shall have priority over all other liens except general taxes and prior special assessments or may use any other method available to the Town for collection at said time. Should the owner, tenant, or agent in charge of the real property not pay the total costs of abatement within thirty (30) days of assessment, the costs may be certified by the Town Clerk to the Lincoln County Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected.

**520.6.2. Abatement through Limon Municipal Court.** The Code Enforcement Officer may, with the assistance of the Town Attorney, choose to seek the adjudication and abatement of a nuisance through the Limon Municipal Court. In such case, the abatement procedures set forth in Section 520.6.1, above, shall

remain fully enforceable though monitored by the Limon Municipal Court Judge.

**520.6.3. Abatement Process Applicable to Weeds.** Due to the fast growth of weeds and the need for timely abatement, the following abatement process shall be applicable to owners of real property allowing a weed nuisance to exist on the property. If any owner, tenant, or agent in charge shall fail to cut the weeds, within five (5) days after being notified to do so by the Code Enforcement Officer, or Town Manager (or manager's designee), by registered or certified mail, hand delivery, or by posting notice on the property in a prominent place (if the owner or occupant cannot be located), the Town Manager may direct that the weeds be cut by an employee of the Town or a private contractor performing the work on behalf of the Town and charge the cost thereof to such owner, tenant, or agent, together with a five percent (5%) additional charge for inspection and other incidental expense. The total cost shall be conveyed, by registered or certified mail, to the owner or occupant with a demand that the sum be paid within thirty (30) days of the date of the letter. Should the owner fail or refuse to pay the assessment within the thirty days, the Clerk shall cause such assessment to become a lien against the lot, block, or parcel of land, which lien shall have priority over all liens, except general taxes and prior, special assessment. The same may be certified at any time, after such failure to so pay the assessment, by the Town Clerk to the Lincoln County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection. All other remedies that may be available to the Town shall remain as an option of collection.

**520.7. Penalties for Violation.** In the event, the adjudication and abatement of a nuisance is conducted through the Limon Municipal Court, the penalty for a violation of this Code shall be assessed by the Municipal Court Judge. Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Code are committed, continued, or permitted. Such offense or offenses may be punishable by minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) per offense.



## 521 - Junk, Junked Vehicles, and Junkyards.

History: Added on July 7, 1994 by Ordinance 378; amended on August 4, 1994 by Ordinance 379; amended February 2, 1995 by Ordinance No. 385; amended May 2, 1996 by Ordinance No. 397; amended June 6, 1996 by Ordinance No. 398; amended by Ordinance No. 409, December 5, 1996; amended January 2, 1997 by Ordinance No. 411.

**521.1. Definitions.** For the purpose of this code the following definitions of terms shall apply:

**521.1.1. Automobile Graveyard:** any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, junked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

**521.1.2. Junk:** old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old scrap ferrous or non-ferrous material.

**521.1.3. Junked Vehicle:** any vehicle formerly used for transportation on public streets and highways which does not have a current license and registration and/or has been practically inoperative, either by operation of law or as a matter of fact, for a period of sixty days or longer. "Practically inoperative" shall mean the vehicle is incapable of being safely driven upon the streets and highways.

**521.1.4. Junkyard:** any establishment or place of business maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard.

### 521.1.5. Motor Vehicle Collector:

**521.1.5.1.** The owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of these vehicles or parts thereof for his own use in order to preserve, restore, and maintain a vehicle for hobby purposes or use; or

**521.1.5.2.** A bona fide member of a national automobile club or association whose charter

recognizes in membership a sincere demonstration of interest in the history of automotive engineering, in the preservation of antique vintage, or special interest motor vehicles, in a sharing of knowledge and experience with other automotive enthusiasts, in the promotion of good fellowship among such members or collectors.

**521.1.5.3.** A collector item must meet requirements set forth in C.R.S. 42-15-101, et. seq..

## **521.2. Nuisances Enumerated.**

**521.2.1. Junked Vehicles.** Junk and Junked Vehicles are deemed to be a nuisance.

**521.2.1.1. Junk, Junked Vehicles and Equipment on Private Property or Public Rights of Way.** No owner of any lot, block, or parcel of ground within Limon, nor any tenant or agent in charge thereof, shall allow or permit any junk or junked, discarded or partially wrecked vehicle, equipment or parts thereof, to remain on such lot, block or parcel of ground, or on or along any public right of way or sidewalk adjoining the same.

**521.2.1.1.1.** Any junk present on any lot, block, parcel of ground, or adjoining sidewalk or public right of way within Limon for more than seven (7) days shall be deemed a nuisance.

**521.2.1.1.2.** Any junked, discarded or partially wrecked vehicle, equipment or parts thereof present on any lot, block parcel of ground, adjoining sidewalk or right of way within Limon for more than twenty (20) days shall be deemed a nuisance.

**521.2.1.2. Junkyards and Motor Vehicle Graveyards.:** Junkyards and motor vehicle graveyards are allowed only in appropriately zoned districts as defined by the Land Development Code of the Town of Limon. Any junkyard or motor vehicle graveyard not thus allowed is deemed to be a nuisance.

### **521.2.1.3. Exceptions.**

#### **521.2.1.3.1.**

(Deleted on August 4, 1994, by Ordinance No. 379)

**521.2.1.3.2.** A motor vehicle collector may store motor vehicles, as described in C.R.S. 42-15-101, or parts thereof, on his private property provided such vehicles and parts cars and the outdoor storage areas are maintained in such manner that they do not

constitute a health hazard, a safety hazard, or a fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery, or other appropriate means. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

#### **521.2.1.3.3.**

(Deleted on October 1, 2015, by Ordinance No. 584).

#### **521.2.1.3.4.**

(Deleted on October 1, 2015, by Ordinance No. 584).

**521.2.1.3.5.** Fencing materials, as allowed in Sections 521.2.1.3. must meet all requirements of the Land Development Code and Building Code and the design be approved by the Town Manager and the Code Enforcement Officer in order to assure that materials and screening ability are:

**521.2.1.3.5.1.** Effective during all calendar months of the year; and

**521.2.1.3.5.2.** Visually and aesthetically compatible with the location, surrounding structures and properties.

**521.3. Abatement Procedures.** The Town shall remedy or abate any nuisance within Section 521 of this code in the following manner:

**521.3.1. Abatement by Town.** If any owner, tenant, or agent in charge of real property shall allow junk, junk vehicles or a junkyard to exist on any lot, block, or parcel after being notified to abate the nuisance through the written notice as submitted by the Code Enforcement Officer, by a date certain, then the Town Manager or the manager's designee may direct that the nuisance be abated or caused to be abated by the Town, and charge the cost thereof to the owner, tenant, or agent in charge, together with five percent (5%) additional fee of the total cost, for inspection and other incidental costs. The total cost shall include the Town's legal fees spent in the prosecution of the matter, if any. Further, the Town may file a lien against each lot or tract of land, which created the nuisance, until paid and such lien shall have priority over all other liens except general taxes and prior special assessments or may use any other method available to the Town for collection at said time. Should the owner, tenant, or agent in charge of the real property not pay the total costs of abatement within thirty (30) days of assessment, the costs may be certified by the Town Clerk to the Lincoln County

Treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. All other remedies that may be available to the Town shall remain as an option for collection.

**521.3.2. Abatement through Limon Municipal Court.** The Code Enforcement Officer may, with the assistance of the Town Attorney, choose to seek the adjudication and abatement of said nuisance through the Limon Municipal Court. In such case, the abatement procedures set forth in Section 521.3.1, above, shall remain fully enforceable, though monitored by the Limon Municipal Court Judge.

**521.3.3. Collection of Costs of Abatement by Town.**

**521.3.3.1.** In the event the nuisance on any lot, block or parcel of ground, or along the sidewalk or public right of way adjoining the same, is abated by order of the Town Manager and Town Chief of Police, the whole cost of abatement, together with five percent (5%) for inspection and other incidentals, shall be paid within thirty (30) days after mailing by the Town Clerk to the occupant or owner of such lot, block or parcel of ground, by registered or certified mail, notice of the assessment of such cost.

**521.3.3.2.** Failure to pay such assessment within such period of thirty days shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time, after such failure to so pay the same, within thirty days, by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent penalty to defray the cost of collection.

**521.4. Penalties for Violation.** Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this code is committed, continued, or permitted. Such offense or offenses may be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) per offense.

(Amended January 2, 1997 by Ordinance No. 411; amended on October 1, 2015, by Ordinance No. 584)



## 522 - Sewage

(Deleted in its entirety by Ordinance No. 380 on October 6, 1994)



## 523 - Garbage

(Deleted in its entirety by Ordinance No. 380 on October 6, 1994)



## 524 - Arboriculture

HISTORY: Added by Ordinance No. 357, December 12, 1991; amended June 6, 1996 by Ordinance No. 398; amended January 2, 1997, by Ordinance No. 411; amended on October 1, 2015, by Ordinance No. 584.

**524.1. Purpose.** The purpose of this code is to promote the health of the community forest and thereby the health, safety, and aesthetics of Limon and its residents or visitors by promoting good arboriculture practices.

### 524.2. Definitions.

**524.2.1. Street trees:** Street trees are herein defined as trees, shrubs, and all other woody vegetation on land located within Town easements and rights of way.

**524.2.2. Park trees:** Park trees are herein defined as trees, shrubs, and all other woody vegetation in public parks, cemeteries, and all other property owned by the Town.

**524.2.3. Hazard trees:** Hazard trees are herein defined as trees, shrubs, and all other woody vegetation on public or private property that pose a threat to public safety by their condition or location.

**524.2.4. Firewood:** Firewood is herein defined as trees, shrubs, and all other woody articles stored

with the intent to be used in the future as a source of fuel for any fire burning operation.

**524.2.5. Flowline:** The path drainage water should run, according to survey, next to the roadway; normally known as the gutter, where curb and gutter exists.

#### **524.3. Establishment of a Town Tree Board.**

**524.3.1.** The Limon Tree Board will consist of five (5) members, who reside in the Limon area and are appointed by the Town Board of Trustees. Members will serve without compensation.

**524.3.2.** The Limon Tree Board will elect officers annually and will operate according to standard meeting procedures. Members will be appointed for three year terms and can be reappointed.

#### **524.4. Responsibilities of the Tree Board.**

**524.4.1.** The Limon Tree Board will have the responsibility of educating the community about the advantages of growing trees and maintaining them properly. It will provide the community with information on viable species for the area, how to plant them, and how to maintain them. The Tree Board will also prepare and update a community forestry program and organize annual tree planting and Arbor Day projects.

**524.4.2.** The Limon Tree Board, when requested by the Town Board of Trustees, will consider, investigate, report, and make recommendations upon any special matter coming within the scope of its responsibility.

**524.5. Appointment and Duties of the Town Arborist.** The Town Manager shall be considered the Town Arborist and have the authority to appropriately deal with problems concerning trees within Limon, and to recommend and/or require necessary maintenance or removal of hazard trees as outlined herein.

**524.6. Tree Trimmers Registration.** (Deleted on November 7, 1996, by Ordinance No. 406)

#### **524.7. Public Tree Care.**

**524.7.1.** The Town of Limon shall have the right to plant, spray, prune, maintain, and remove trees and shrubs within the easements and rights of way of all streets, alleys, and public grounds, as deemed necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public

grounds, if not properly done by the property owner. Since property owners are allowed to use the right of way beyond the streets and sidewalks adjacent to their property any tree removal or maintenance that is necessary shall be performed by the property owner. In circumstances necessary maintenance or removal is not done by the property owner or occupant the maintenance or removal can be performed by the Town of Limon or its contractors and the cost of said activity shall be assessed to the property owner or occupant.

**524.7.1.1.** In case such assessment is not paid within a reasonable time, it may be certified by the Town Clerk to the county treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. The laws of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

**524.7.1.2. Exception.** Street trees along Main Street from D Avenue to F Avenue and along E Avenue from Main Street to Civic Center Drive shall be maintained by the Town of Limon as part of the downtown development streetscape project and as is in the best interest of the Town.

**524.7.2.** The Town Arborist may remove or cause to be removed, any park tree or street tree, or part thereof which is in unsafe condition, or which by reason of its nature is injurious to sewers, utility lines, or other public improvements, or is infected with any dangerous fungus, insect or disease. The Town Arborist may also remove or cause to be removed any tree or part thereof, which is protruding over any street, alley or roadway allowing less than a minimum of fourteen (14) feet clearance above the grade of the roadway.

#### **524.8. Dead or Diseased Tree Removal on Private Property.**

**524.8.1.** The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town limits, when such trees constitute a hazard to personal safety or property, or harbors insects or disease which constitutes a potential threat to other trees within Limon. The Tree Board will notify the owners of such trees in writing.

**524.8.2.** Removal of such trees shall be done by the owners, at their own expense, within forty five (45) days after the date of notification. In the event of

failure of the owners to comply with such provisions, the Town shall have the authority to remove, or cause to be removed, such trees and charge the cost of removal to the owner's utility bill. In the case of an absentee owner that does not receive the utility bill, or said bill is unpaid, the cost of removal shall be charged on the owner's property tax notice or any other method of collection available to the Town.

**528.8.3.** Appeal of this action by the Town must be done by following the process outlined in Section **524.15.**

**524.9. Firewood Removal.** The Town shall have the right to remove or have removed any firewood that is stored in a detrimental manner or condition with the bark still on (in the case of elm wood), or so that weeds cannot be kept mowed, and rodents or pests cannot be controlled or its location constitutes a fire hazard. Appeal of this action by the Town must be done by following the process outlined in Section **524.15.**

**524.10. Tree Spraying.**

(Deleted on October 1, 2015, by Ordinance No. 584).

**524.11. Removal of Stumps.** If a street tree or park tree is removed, the remaining stump shall be removed below the surface of the ground and the resulting hole shall be backfilled to the existing grade of the surrounding ground with the appropriate material unless the remaining stump is cut in an artistic fashion for decorative purposes.

**524.12. New Tree Plantings and other Visual Obstructions.**

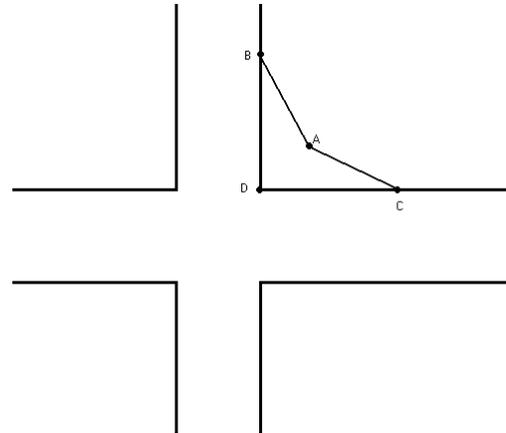
**524.12.1.** In order to insure proper visual capability at all intersections within the town of Limon, it shall be unlawful to plant any tree on any intersectional corner within Limon, within the area described by the boundary lines between points A, B, C, and D as shown in Section 524.12.2, unless:

**524.12.1.1.** Shrubs within such area shall be maintained at a height of thirty (30) inches or less within these same parameters.

**524.12.1.2.** Single stemmed trees within such area shall have the lowest protruding branch and all foliage trimmed to a height of 7 feet above the surrounding surface.

**524.12.2. Tree Plantings and Other Obstructions Sketch:**

A to B =  
60 feet  
A to C =  
60 feet  
Point A is the property corner  
Points B, C & D are on the flow line



**524.12.3.** Shrubs planted next to any driveway within Limon within a distance of fifteen (15) feet of any roadway shall be limited to the same 30 inch maximum height to avoid any visual obstruction.

**524.12.4.** No cotton bearing cottonwood, silver leaf maple or boxelder tree shall be planted within Limon.

**524.12.5.** No tree may be planted so as to obstruct any solar panels or satellite dishes in place on adjacent properties prior to the planting. Care should also be taken to avoid future property damage to adjacent properties resulting from trees being planted too close to existing structures or property lines.

**524.13. Damage to Street Trees or Park Trees.** Any damage to a street tree or park tree resulting from any act, whether malicious, intentional, or negligent, by any firm or individual shall be unlawful. The responsible party will be liable for all damage occurring to said tree to the extent of replacement cost and labor, or any other necessary remedy.

**524.14. Interference with the Tree Board.** It shall be unlawful for any person to interfere with the Tree Board, or any of its agents, while engaging in the inspection, planting, spraying, maintaining, or

removing of any street trees, park trees, or trees on private property in accordance with this code.

**524.15. Review by the Town Board.** The Town Board of Trustees shall have the right to review the conduct, acts, and decisions of the Limon Tree Board or the Town Arborist. Any person may appeal any ruling or order the Tree Board or Town Arborist issues, to the Town Board of Trustees, who will hear the matter as an agenda item at the next regularly scheduled meeting of the Board of Trustees and render final decisions thereon. This review must be requested in writing within fifteen (15) days after said party receives notice of the needed maintenance or removal.

**524.16. Penalties for Violations.** Any person who violates the provisions of this code shall, upon conviction, be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.



## 525 – Control of Undesirable Plants

HISTORY: Added by Ordinance No. 358, February 13, 1992; amended in entirety on July 11, 2002, by Ordinance No. 476.

**525.1. Definitions.** As used in this article, unless the context otherwise requires.

**525.1.1. Alien plant:** a plant species that is not indigenous to the state of Colorado.

**525.1.2. Integrated management:** the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques:

**525.1.3. Biological management:** the use of an organism to disrupt the growth of noxious weeds.

**525.1.4. Chemical management:** the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.

**525.1.5. Cultural management:** methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area.

**525.1.6. Mechanical management:** methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing.

**525.1.7. Landowner:** any owner of record of state, municipal, or private land and includes an owner of any easement, right-of-way, or estate in the land.

**525.1.8. Local advisory board:** those individuals appointed by the Board of Trustees to advise on matters of noxious weed management.

**525.1.9. Local noxious weed:** any plant of local concern that has been declared a noxious weed by the Board of Trustees.

**525.1.10. Management:** any activity that prevents a plant from establishing, reproducing, or dispersing itself.

**525.1.11. Management plan:** the noxious weed management plan developed by the local advisory board using integrated management.

**525.1.12. Native plant:** a plant species that is indigenous to the state of Colorado.

**525.1.13. Noxious weed:** an alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

**525.1.13.1.** Aggressively invades or is detrimental to economic crops or native plant communities;

**525.1.13.2.** Is poisonous to livestock;

**525.1.13.3.** Is a carrier of detrimental insects, diseases, or parasites;

**525.1.13.4.** The direct or indirect effect of the presence of this plant is detrimental to the

environmentally sound management of natural, landscaped or agricultural ecosystems.

**525.1.14. Noxious weed management:** the planning and implementation of an integrated program to manage noxious weed species.

**525.1.15. Person or occupant:** an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right-of-way, including any city, county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

**525.1.16. Plant growth regulator:** a substance used for controlling or modifying plant growth processes without appreciable phytotoxic effect at the dosage applied.

**525.1.17. State noxious weed:** any noxious weed identified by the commissioner of Agriculture of the state of Colorado by rule after surveying the local advisory boards and prioritizing the top ten weeds. Said survey should be conducted every three years.

**525.1.18. Weed:** any undesirable plant.

**525.2 Duty to Manage Noxious.** It is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners.

### **525.3. Noxious Weed Management.**

**525.3.1.** The Board of Trustees shall adopt a noxious weed management plan for all lands within the corporate limits of the Town.

**525.3.2.** The Board of Trustees shall appoint a Noxious Weed Advisory Board with the power and duty to:

**525.3.2.1.** Develop a recommended management plan for the integrated management of designated noxious weeds and recommended management criteria for noxious weeds within Limon.

**525.3.2.1.1.** The management plan shall be reviewed at regular intervals but not less often than once every three years by the local advisory board.

**525.3.2.1.2.** The management plan and any amendments made thereto shall be transmitted to the Board of Trustees for approval, modification, or rejection.

**525.3.2.2.** Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management.

**525.3.2.3.** Recommend to the Board of Trustees that identified landowners be required to submit an individual integrated management plan to manage noxious weeds on their property.

**525.3.2.4.** The Board of Trustees, at its sole option, shall appoint a commission of landowners, to act as the Noxious Weed Advisory Board for the Town of Limon.

**525.3.2.4.1.** The Noxious Weed Advisory Board shall consist of five (5) members.

**525.3.2.4.2.** The members of the Noxious Weed Advisory Board shall be residents of Limon.

**525.3.2.4.3.** Each Noxious Weed Advisory Board shall annually elect a chairman and secretary.

**525.3.2.4.4.** A majority of the members of the board shall constitute a quorum for the conduct of business.

**525.3.3.** The Board of Trustees, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following circumstances has occurred:

**525.3.3.1.** The landowner or occupant has requested an inspection;

**525.3.3.2.** A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection; or

**525.3.3.3.** An authorized agent of the Town has made a visual observation from a public right-of-way or area and has reason to believe that a noxious weed infestation exists.

**525.3.3.4.** No entry upon any premises, lands, or places shall be permitted until the landowner

or occupant has been notified by certified mail, personal delivery or legal posting (posting on premises after unsuccessful attempt of certified mail delivery) that such inspection is pending. Where possible, inspections shall be scheduled and conducted with the concurrence of the landowner or occupant.

**525.3.3.5.** If after receiving notice that an inspection is pending the landowner or occupant denies access to the inspector of the Town, the inspector may seek an inspection warrant issued by the Limon Municipal Court.

**525.3.3.5.1.** The court shall issue an inspection warrant upon presentation by the Town, through its agent or employee, of an affidavit stating: The information which gives the inspector reasonable cause to believe that any provision of this article is being or has been violated; that the occupant or landowner has denied access to the inspector; and a general description of the location of the affected land.

**525.3.3.5.2.** No landowner or occupant shall deny access to such land when presented with an inspection warrant.

**525.3.3.6.** The Board of Trustees shall have the authority, acting directly or indirectly through its agent or staff, to notify the landowner or occupant of such lands, advising the landowner or occupant of the presence of noxious weeds.

**525.3.3.6.1.** Said notice shall name the noxious weeds, advise the landowner or occupant to manage the noxious weeds, and specify the best available control methods of integrated management.

**525.3.3.6.2.** Where possible, the Town shall consult with the affected landowner or occupant in the development of a plan for the management of noxious weeds on the premises or lands.

**525.3.3.7.** Within a reasonable time after receipt of notification, which at no time shall exceed ten days, the landowner or occupant shall either:

**525.3.3.7.1.** Comply with the terms of the notification;

**525.3.3.7.2.** Acknowledge the terms of the notification and submit an acceptable plan and schedule for the completion of the plan for compliance; or

**525.3.3.7.3.** Request an arbitration panel to determine the final management plan.

**525.3.3.7.3.1.** The arbitration panel selected by the Board of Trustees shall be comprised of a weed management specialist or weed scientist, a landowner of similar land in Lincoln County, and a third panel member chosen by agreement of the first two panel members.

**525.3.3.7.3.2.** The landowner or occupant shall be entitled to challenge any one member of the panel, and the local governing body shall name a new panel member from the same category.

**525.3.3.7.3.3.** The decision of the arbitration panel shall be final.

**525.3.3.8.** In the event the landowner or occupant fails to comply with the notice to manage the identified noxious weeds or implement the plan developed by the arbitration panel, the Town has the authority to:

**525.3.3.8.1.** Provide for and compel the management of such noxious weeds at such time, upon such notice, and in such manner as the Town shall prescribe; and

**525.3.3.8.2.** Assess the whole cost thereof, including up to twenty percent for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located; except no tax lien against land it administers as part of a public right-of-way shall be levied.

**525.3.3.8.3.** Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

**525.3.3.8.4.** Such assessment may be certified to the county treasurer of the county in which the property is located and collected and paid over in the same manner as provided for the collection of taxes or any other method of collection available to the Town.

**525.3.3.8.5.** Any funds collected pursuant to this section shall be deposited in the General Fund.

**525.3.3.9.** No local governing body shall provide for or compel the management of noxious weeds on private property pursuant to this subsection **525.3.3.8.** without first applying the same or greater management measures to any land or rights-of-way

owned or administered by the Town that are adjacent to the private property.

**525.3.3.10.** The Town may not assess the cost of providing for or compelling the management of noxious weeds on private property until the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved.

**525.3.3.11.** The Town, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours for the purpose of ensuring compliance with the requirements of this article concerning noxious weed management and any other local requirements.

**525.3.3.12.** No agent, employee, or delegate of the Town shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with this code except when such damages were willfully or deliberately caused by the landowner.

**525.3.4.** The Board of Trustees may declare additional noxious weeds, not on the state list of plant that are designated as noxious weeds after a public hearing with thirty days prior notice to the public.

**525.4 Penalty for Violation.** Any person who violates the provisions of this ordinance shall, upon conviction, be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.



## 530 - Health Regulations Pertaining to Animals

### 531 - Pertaining to Dogs

(Amended on June 6, 1996 by Ordinance No. 398, and on June 6, 2002, by Ordinance No. 473; amended September 6, 2007, in its entirety by Ordinance No. 520; amended on July 10, 2014, by Ordinance No. 576; amended on February 5, 2015, by Ordinance No. 580.)

**531.1. Definitions.** For the purpose of this code, certain terms and words are herewith defined as follows:

**531.1.1. Dog, Owners:** any person over eighteen years of age, emancipated minor under the age of eighteen without direct adult supervision, parent guardian, or custodian of any child under the age of eighteen, firm, corporation, or organization, owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a dog, aggressive dog, or dangerous dog

**531.1.2. Dog:** Any animal of canine species regardless of sex.

**531.1.3. Dog, Aggressive:** any dog that barks, growls, charges at, jumps upon, or has demonstrated tendencies, without provocation, in a menacing manner, that would lead a reasonable person to believe that the dog may inflict bodily injury upon or cause the death of any person or domestic animal, or has engaged in or been trained for fighting as described and prohibited in Colorado Revised Statute 18-9-204. For purposes of this definition, "domestic animal" shall mean any other dog, cat, or livestock that may be permitted to be within the Town boundaries.

**531.1.4. Dog, Dangerous:** any dog that has inflicted bodily injury or serious bodily injury upon or has caused the death of a person or domestic animal.

**531.1.5. Dog Bite:** any bruising of the skin or break in the skin caused by any contact with the tooth or mouth of a dog.

**531.1.6. Dog, Harboring:** the act of keeping or caring for a dog or providing premises to which a dog returns for food, shelter, or care, or the act of providing refuge to a dog in order to evade the impoundment of the dog by lawful authority.

**531.1.7. Dog, Male:** Any dog of masculine gender, not castrated.

**531.1.8. Dog, Neutered:** Any male dog which has been castrated by a licensed veterinarian and accompanied by a certificate asserting said operation has been performed.

**531.1.9. Dog, Female:** Any dog of the female gender on which no alternative surgery of the genital organs has been performed.

**531.1.10. Dog, Spayed Female:** Any female dog on which an ovariectomy or ovarhysterectomy has been performed by a licensed veterinarian and accompanied by a certificate asserting said operation has been performed.

**531.1.11. Dog, Stray:** Any unlicensed or licensed dog found unattached or loose anywhere within the town limits.

**531.1.12. Bodily Injury:** any physical injury that results in bruising, muscle tears, or skin laceration.

**531.1.13. Rabies:** A communicable disease of both wild and domestic animals transmittable to humans, as defined by the "Public Health Department." "Specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite of infected animal and due to a filtrable virus" - as defined in Dorland's Medical Dictionary.

**531.1.14. Serious Bodily Injury:** bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or second or third degree burns requiring professional medical treatment, or any physical injury that requires corrective or cosmetic surgery.

**531.1.15. Vaccinations or Vaccination for Rabies:** Inoculation of a dog with standard rabies vaccine.

### **531.2. Regulation of Dogs within the Town Limits.**

The Board of Trustees has found, determined and declared that those actions of dogs, as set forth below in Section 531.2, Subsections 531.2.1, 531.2.2, 531.2.3, 531.2.4, 531.2.5, 531.2.6, 531.2.7, 531.2.8, 531.2.9, and 531.2.10, are detrimental to the public health, safety, and welfare of the inhabitants of the Town of Limon. Acknowledging the strict liability standard as to the provisions of Chapter 531, as set forth in Section 531.25, any owner, possessor, or keeper of any dog which violates the provisions of Section 531.2, and the subsections thereafter, shall be subject to fines and penalties set forth in Chapter 531.27 as well as any other remedy allowed by Chapter 531.

**531.2.1.** Run at large in the Town of Limon unless said dog is under reasonable control of the owner. For the purpose of this code, a dog shall be deemed under such reasonable control when said

dog is accompanied by its owner, or, some member of the owner's family or with some employee or agent of the owner, with the dog attached to a leash. For the purposes of this code, a dog shall be deemed not under reasonable control when, (1) said dog inflicts damage or injury (by biting, jumping upon, pollution of vegetation, or by any other means whatsoever) to the person or property of anyone other than the owner, except in the defense of the owner, his family or property; (2) in the case of any unspayed female dog not securely confined in the owner's yard, pen or other enclosure.

**531.2.2.** Go upon school premises without the permission of the person in charge thereof.

**531.2.3.** Bark, whine, howl or make other noise in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous.

**531.2.4.** Attract other animals and cause them to congregate or remain on or about any premises because of being a female in heat and because of the nature of its confinement or lack of the same.

**531.2.5.** Damage public property or private property not owned by the dog owner.

**531.2.6.** Be abandoned.

**531.2.7.** Be tied or otherwise physically fastened to any object on public property when the owner has departed from the immediate vicinity of the location where the animal has been physically fastened; or be tied or otherwise physically fastened on private property so as to create an immediate danger to the physical well-being of the animal or any person.

**531.2.8.** Be on premises open to the public where food or beverages are prepared, stored or sold; however, this paragraph does not apply to seeing-eye dogs, dogs trained as ears for the deaf or other defined service dogs and in such premises for such purposes at the time.

**531.2.9.** Be found unleashed in a public park, provided, however, this subsection does not apply to seeing-eye dogs, government owned animals or animals participating in shows or exhibits authorized by the Board of Trustees.

**531.2.10.** Defecate upon public property or private property not owned by the owner, and such

excreta is not immediately removed by the owner at that time.

### **531.3. Ownership of Dangerous Dogs Prohibited.**

**531.3.1.** A dog owner, as defined herein, is deemed to have ownership of a dangerous dog if such person or entity owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous dog.

**531.3.2.** Upon conviction of owning a dangerous dog, and upon consideration of all relevant factors, including the known past history of the dangerous dog, the Municipal Court Judge, in addition to considering all other penalties available under Section **531**, shall have the following additional options:

**531.3.2.1.** To order the convicted owner to make restitution to any person who suffers injury whether such injury be to the person, property, or domestic animal of the injured person. Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in the treating of the person or the animal and any actual costs incurred in replacing the injured or destroyed animal or other personal property.

**531.3.2.2.** To order the owner of a dangerous dog who has been convicted of a violation of this section to confine such dangerous dog in a building or enclosure designed to be escape proof and, whenever such dog is outside of such building or enclosure, keep the dog under such owner's control by use of a leash or a muzzle as the Court may direct.

**531.3.2.3.** To order in the event of bodily or serious bodily injury or death to a person or domestic animal, or in the event of a second or subsequent violation of this section, the dangerous dog to be immediately confiscated and placed in a public animal shelter and, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this section, to require the dangerous dog to be destroyed by lethal injection administered by a licensed veterinarian. The owner, in such event, shall be responsible for the costs incurred by the Town in the confiscation, impoundment, and veterinary treatment of the dangerous dog, as well as any other costs associated with the enforcement of this Code and the Court's orders.

**531.3.2.4.** To order, within ten days of the conviction, to obtain and present to the Limon Chief

of Police written proof that the owner has procured a homeowner's or renter's liability insurance policy, or a rider to an existing policy, in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) to specifically cover any future damage or injury that may be caused by the subject dangerous dog during the period of court ordered supervision, such supervision to be no less than one (1) year from the date of conviction. During the period of supervision, the owner shall provide written proof on a quarterly basis of the necessary coverage.

**531.3.2.5.** To order the immediate removal of the dangerous dog from the Town of Limon.

**531.3.3.** It shall be an affirmative defense to the charge of owning a dangerous dog if the dangerous dog, while confined to the dangerous dog owner's property, injures a domestic animal which was at large as defined by section **531.2.1**, or injures a person who is on the dangerous dog owner's property for the purpose of attempting or committing a criminal offense against the dangerous dog's owner or the dangerous dog owner's property, or if the injured person while on the dangerous dog owner's property tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner as to result in the dog attack.

**531.4. Ownership of Aggressive Dogs Prohibited.** Ownership of an aggressive dog, as defined herein, is prohibited except under the conditions set forth below:

**531.4.1.** A dog owner or one who harbors a dog, as defined herein, is guilty of ownership of an aggressive dog if he or she owns or harbors a dog which engages in any of the following conduct within the Town of Limon:

**531.4.1.1.** The dog approaches any person or persons, without provocation, in a menacing and threatening manner, whether or not an attack by the dog upon the person or persons actually occurred.

**531.4.1.2.** The dog, in an attacking, menacing, or threatening manner encroaches over, through or under a fence onto public property or the private property of another; or

**531.4.1.3.** The dog inflicts a dog bite, or a puncture wound, abrasion, or other wound caused by the aggressive dog's teeth upon a person or a domestic animal in which the injury does not meet the definition of bodily injury or serious bodily injury.

**531.4.2.** Upon conviction of owning an aggressive dog, and upon consideration of all relevant factors, including the known past history of the aggressive dog, the Municipal Court Judge, in addition to considering all other penalties available under section **531**, shall have the following additional options:

**531.4.2.1.** To order, when the dog is leashed, the owner may not use an extension style leash or leash the dog to any permanent inanimate object. Rather the dog shall be in a secure fenced area or be on a short leash under the constant supervision and surveillance of the owner.

**531.4.2.2.** The owner shall successfully complete a court approved animal obedience training, behavior modification, pet management class, and / or any other treatment program that the Court may deem to be appropriate. The owner shall bear the entire cost of all programs, classes, or trainings.

**531.4.2.3.** The owner shall, at the owner's expense, have the animal spayed or neutered and shall provide written proof from a licensed veterinarian to the Limon Police Department that the sterilization has been performed.

**531.4.2.4.** To order, within ten days of the conviction, to obtain and present to the Limon Chief of Police written proof that the owner has procured a homeowner's or renter's liability insurance policy, or a rider to an existing policy, in the minimum amount of One Hundred Thousand Dollars (\$100,000.00) to specifically cover any future damage or injury that may be caused by the subject aggressive dog during the period of court ordered supervision, such supervision to be no less than one (1) year from the date of conviction. During the period of supervision, the owner shall provide written proof on a quarterly basis of the necessary coverage.

**531.4.2.5.** To order removal of the aggressive dog from the Town of Limon.

**531.4.3.** It shall be an affirmative defense to the charge of Ownership of an Aggressive Dog, if the aggressive dog while confined to the aggressive dog owner's property, is aggressive to a person or domestic animal that is on the aggressive dog owner's property for the purpose of committing a criminal offense against the aggressive dog's owner, the aggressive dog owner's property, or if the aggressive dog, while on the aggressive dog owner's property is tormented, provoked, abused or inflicted injury upon,

in such a manner as to result in the dog being made aggressive.

**531.5. Annual Vaccination and Licensing of Dogs Required.** It shall be the duty of every person who owns or harbors any dog or dogs in the Town of Limon, Colorado, to have such dog or dogs inoculated by a regularly licensed veterinarian of the State of Colorado and to obtain a certificate from said veterinarian, setting out the fact of such vaccination and also to obtain from the Police Department of the Town of Limon, Colorado, a license for each dog. The owner, possessor or keeper of any dog within the Town of Limon shall secure a license for such dog from the Police Department on or before the first day of March each year or within 30 days after dog reaches the age of four (4) months. Dogs purchased, obtained or otherwise acquired subsequent to the first day of March in any calendar year shall be licensed within 30 days after such acquisition, or within 30 days after the dog reaches the age of four (4) months. New residents of the town shall have 30 days after becoming residents to secure a license hereunder. The license, which may be in the form of a receipt, shall state the name of the owner, the date of issuance and date of inoculation, and a description of the dog.

**531.6. Persons Authorized to Inoculate and Issue Licenses.** Inoculation of dogs under this code may be performed by any licensed veterinarian of the State of Colorado and licenses for dogs shall be issued by the Police Department of the Town of Limon, Colorado. The owner or harbinger of every dog so inoculated shall pay the veterinarian inoculating same his fee therefor and shall pay an annual license fee to the Town of Limon as follows:

**531.6.1.** Each neutered male or each spayed female \$ 5.00

**531.6.2.** Each unneutered male or each unsprayed female \$10.00

**531.6.3.** Any license obtained outside the time limitations herein set forth shall bear a penalty of \$10.00, which penalty shall be in addition to the license fee and paid to the Police Department at the time of license purchase.

**531.7. Duty of Persons Performing Vaccination and Licensing.** Every veterinarian performing vaccination shall furnish the owner of any dog vaccinated, a certificate of such vaccination, which shall be presented to the Police Department who upon payment of the Town license fee, shall issue the license provided for in Section 531.6. retaining a

record thereof in his office. No license shall be issued for any dog without the production of certificate of vaccination and payment of license fee.

**531.8. Information on Licenses and Tags.** The Police Department shall issue a license to the owner or harbinger of each dog, the receipt for which shall contain the following information: (a) the name and address of the owner, or harbinger of any inoculated and licensed dog; (b) the date of inoculation and date of license; (c) the year and series number of the dog tag; (d) the breed, age, color and sex of the inoculated dog. The tags shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall state the year for which it is issued and the series number of the license and tag. Such tags shall also be prepared and distributed by the Police Department.

**531.9. Tag to be Attached to Dog and License Retained by Owner.**

**531.9.1.** Every owner or harbinger of a dog shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed dog and such collar or harness shall be worn by said dog at all times.

**531.9.2.** The license shall be retained by the owner or harbinger of the inoculated and licensed dog for inspection by any member of the Police Department, at any time.

**531.10. Registration.** Period of validity for license and tag. Such inoculation and licensing shall be valid for each calendar year in which same is had and for January and February of the following year.

**531.11. Quarantine of Dogs.**

**531.11.1.** A dog which is known to have bitten or injured any person so as to cause an abrasion of the skin or a dog which in the opinion of a member of the Police Department or of any licensed veterinarian of the State of Colorado, appears to be afflicted with rabies, shall be closely confined by its owner in accordance with the directions of a member of the Police Department, for a period of not less than fourteen (14) days.

**531.11.2.** If the owner of such dog or dogs referred to in this section, cannot be determined or located, then a member of the Police Department shall otherwise confine said dog or dogs for a period of not less than fourteen days. If the owner of said dog is not determined, located or the dog claimed from

confinement within said fourteen days, then the Chief of Police may order said dog destroyed. Provided, however, that all costs incurred for the confinement of a dog under this section shall be paid for by the owner or owners of said dog. If, however, after fourteen days confinement, the said dog is not claimed or the owner determined or located, then the cost of confinement shall be borne by the Town of Limon. If said dog is determined, by a veterinarian, to be suffering from rabies it shall be destroyed forthwith.

**531.11.3.** It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the Town without the written permission of the pound master. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the pound master or a policeman who shall either remove the dog to the pound or summarily destroy it.

**531.12. Imported Dogs.**

**531.12.1.** All dogs which are brought into the Town of Limon, shall be in compliance with the laws and rules of regulations of the State of Colorado regarding the handling of the animals, and shall have been vaccinated not less than thirty days, nor more than twelve months prior to importation. The metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, and shall be evidence of compliance with this section.

**531.12.2.** If said imported dog remains in the Town of Limon more than thirty days, said dog shall be licensed in accordance with the provisions of this code. A certificate of vaccination issued by the licensed veterinarian to the owner or harbinger of a dog within the current year by any municipality, county or state, shall be exchanged for a current inoculation and license tag of the Town of Limon and a transfer fee of \$1.00 imposed thereon for a male or spayed female and \$3.00 for an unspayed female.

**531.13. Unlawful Possession of Licenses.** Only those persons who own or harbor a dog duly vaccinated and licensed in accordance with the provisions of this code shall be permitted to possess the licenses and tags provided for herein. No person may affix a tag evidencing vaccination and licensing, to the collar or harness of any dog, except the tag issued for that dog at the time of licensing.

**531.14. Impoundment Generally.** It shall be the duty of every Police Officer or other dog enforcement officers to impound any dog which is not wearing a dog tag as herein provided and any dog which they

reasonably feel to be in violation of any of the provisions of this code, whether such dog is wearing a dog tag or not. It shall be lawful for any Police Officer or other dog enforcement officer to go upon private property for the purpose of catching any dog to be impounded.

**531.15. Establishment and Operation of Pound.**

The Town shall have the right to establish a dog pound for the Town, to be operated by Town personnel, or at their election, they may, subject to the approval of the Board of Trustees, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town.

**531.16. Proceedings in Municipal Court Against Owner or Keeper of Impounded Dog.**

If a dog is impounded, it shall be the duty of a Police Officer or other dog enforcement officer immediately to institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section of this code. Nothing herein contained shall be construed as preventing the Police Officer from instituting a proceeding in the Municipal Court for violation of this code where there is no impoundment.

**531.17. Notice to Owner or Keeper of Dog.** Not later than two (2) days after impoundment, the Police Officer shall cause to be posted in a conspicuous place at the Town Hall for three (3) consecutive days a notice of impoundment. The notice posted shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up. In the case of impoundment of a dog wearing the tag described in Section 531.7. The Police Officer shall also use other reasonable means in a diligent effort to notify the owner, possessor or keeper of said dog.

**531.18. Procedure for Release of Impounded Dog and/or Destruction of Dog.** If a complaint has been filed in the Municipal Court of the Town against the owner, possessor or keeper of any impounded dog for a violation of this ordinance, then such dog shall not be released from impoundment except when requirements of this ordinance and guideline established by the Colorado Department of Agriculture are met. In addition to any penalties which may be provided for in this ordinance for violation hereof, the Police Department shall require such owner, possessor or keeper to pay the fees herein provided for in Section 20 hereof.

(Amended on July 10, 2014 by Ordinance No. 576)

**531.19. Disposal of Dog Whose Owner or Keeper cannot be Located.**

**531.19.1.** If a complaint has not been filed in Municipal Court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within five (5) days for an untagged dog and ten (10) days for a tagged dog from the date of impoundment, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by the Police Department or by persons so authorized to do so by the Mayor; provided, however, that in the case of a dog wearing a tag as described in Section 7 hereof when impounded, it may be disposed of only after ten (10) days of impoundment, not counting the first day of impoundment, and upon the Police Officer's certification of the diligent effort to notify the owner, possessor or keeper of the dog of its impoundment, and that same has been unsuccessful.

**531.19.2.** Should a suitable location be found for adoption of the animal that option will be taken at the discretion of the Limon Police Department. If adoption of the animal is the method of release selected, except as provided in § 35-80-106.4(3)(a),(b),(c) and (d), it shall be unlawful to sell, transfer, or adopt any dog or cat that is not already spayed or neutered prior to leaving the facility unless the prospective owner has paid a deposit of \$50.00 to the adopting shelter and signed a written agreement with the shelter to have the animal spayed or neutered.

**531.19.2.1.** The deposit may be reclaimed upon presentation of written correspondence from a licensed veterinarian that the animal has been spayed or neutered within 90 days of adoption, sale or transfer. The facility may extend the 90 day requirement upon presentation of written correspondence from a licensed veterinarian stating that the life or health of the adopted pet may be jeopardized by sterilization. If the deposit is not reclaimed after 90 days, it becomes the property of the adopting agency and will be deposited annually upon license renewal with the Pet Overpopulation Fund or a local dedicated spay and neuter fund.

**531.19.2.2.** The written agreement to have the animals spayed or neutered will include: age, sex, species, breed, and general description of the animal; date of adoption and date by which the animal must be sterilized; adopting party's name, address, and phone

number, and signature; and facility name, address, and phone number.

(Amended on July 10, 2014 by Ordinance No. 576)

**531.20. Redemption Fees.** Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the Town the sum of \$15.00 as an impoundment fee together with the sum of \$10.00 for each day of impoundment for cost of care and any and all license or rabies inoculation fees provided for in this code.

**531.21. Interference with Police Department or Dog Enforcement Officer in Performing Duties.** It shall be unlawful for any person to interfere with, molest, hinder or obstruct the Police Department or other dog enforcement officer in the discharge of their official duties under this code.

**531.22. Muzzling and Confinement.**

**531.22.1.** Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent it from biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies and displaying vicious propensities, shall be killed by the pound master without notice to the Owner. Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of impounding charges provided for in Section **531.20**. If unclaimed after that period, such dog may be summarily destroyed.

**531.22.2.** Vicious dogs and any dogs required to be confined under the provisions of this code shall be kept upon the premises of the owner of such place as to be least dangerous to persons lawfully upon said premises.

**531.23. Vaccination.** It shall be unlawful for the owner of any dog to keep, maintain, or allow such dog to run at large unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept, maintained or allowed to run at large.

**531.24. Female Dogs in Heat.** Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other

enclosure, which shall be so construed or situated as to prevent other dogs from gaining access thereto.

**531.25. Notice or Knowledge of Violating Not Necessary for Prosecution of Owner or Keeper.**

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

**531.26. Unlawful to Poison Dog.** It shall be unlawful for any person to poison any dog or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog within the Town of Limon.

**531.27. Penalty for Violation.** Any person violating any of the provisions of section 531.2 of this code shall upon conviction, be punished by a minimum first offense fine of \$25.00 per animal, a second violation of section 531.2 in a six month period the minimum fine of forty dollars (\$40.00), and a third violation of section 531.2 in a six month period will result in a summons to appear at the next available court date.

**531.27.1.** Any person violating any of the provisions of section 531.3 of this code (Ownership of a Dangerous Dog) shall be summoned to appear at the next available court date.

**531.27.2.** Any person violating any of the provisions of section 531.4 of this code (Ownership of an Aggressive Dog) shall upon conviction, be punished by a minimum fine of seventy five dollars (\$75.00).

**531.27.3.** Additionally, any person violating any provision of this code shall upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each offense.

**531.28. Enforcement.** The provisions of this code shall be enforced by the Police Department of the Town of Limon or by a pound master appointed by the Town Manager.

(Amended on June 6, 1996 by Ordinance No. 398 and on June 6, 2002 by Ordinance No. 473, Amended in its entirety on September 6, 2007 by Ordinance No. 520; Amended on July 10, 2014 by Ordinance No. 576; Amended on February 5, 2015, by Ordinance No. 580.)



## 532 - Pertaining to Livestock

HISTORY: Added November 5, 1981, by Ordinance No. 279; cured and validated October 6, 1983, by Ordinance No. 300; repealed on June 2, 1994, by Ordinance No. 376; added on September 6, 2012, by Ordinance No 557. Also see the Land Development Code.

### 532.1 Definitions

**532.1.1. Livestock.** Any cattle, horses, mules, sheep, goats, hogs, pigs, swine or other hard hoofed animals.

**532.1.2. Fowl.** Excluding any domesticated birds such as parakeets and parrots, but including, but not limited to chickens, ducks, geese, turkeys, pheasant and pigeons.

**532.1.3. Person.** Any entity, including, but not limited to person, firm, partnership, corporation or association.

### 532.2 Livestock and Fowl Prohibited

**532.2.1.** It shall be unlawful for any person to keep, harbor, maintain or herd, within the corporate limits of the Town of Limon, any Livestock or Fowl, as defined herein, except as allowed by use in the Land Development Code of the Town of Limon.

**532.3. Enforcement.** It shall be the duty of the Town Police Department to enforce the provisions of this Section as to any person that would keep, harbor, maintain or herd Livestock or Fowl in violation of any provision of this Section.

**532.4. Violations – Penalty.** Upon the conviction of any person or persons charged with a violation of this Ordinance or any provisions thereof, such person or persons shall be guilty of a petty offense and shall be subject to a fine as imposed by Sub-section 520.22 – Penalties for Violation under Section 520 – Nuisances.



## 540 - Health Regulations Pertaining to Business

### 541 - Trailer Ordinance

HISTORY: 1958 Municipal Code; Substantially amended March 3, 1966, by Ordinance No. 192; repealed on June 2, 1994, by Ordinance No. 376. See Land Development Code.



## 550 - Regulations for Refuse and Recycling

HISTORY: Added January 7, 1972, by Ordinance No. 216; amended on August 7, 1975, by Ordinance No. 235; amended on January 7, 1982, by Ordinance No. 282; amended August 5, 1993, by Ordinance No. 370; amended June 6, 1996, by Ordinance No. 398; amended on December 2, 1999, by Ordinance No. 435; amended on September 7, 2000, by Ordinance No. 456; amended on December 3, 2009, by Ordinance No. 535; amended on July 7, 2011, by Ordinance No. 548; and amended on October 1, 2015, by Ordinance No. 584.

### 550.1. General Regulations.

**550.1.1. Definitions.** For the purpose of section 550 the word "refuse" shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind of nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

**550.1.2. Accumulation of Refuse; Prohibited and Declared Nuisance.** Any accumulation of refuse on any premises, improved or unimproved, in the town is prohibited and is hereby declared to be a nuisance.

**550.1.3. Abatement.** Whenever such a condition exists the Town Manager or the manager's designee shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made requiring the removal of any accumulated refuse from such property or premises within twenty (20) days after service of notice. If such property owner, agent or

person having charge of such property shall not remove such refuse in accordance with the requirement of such order the Town Manager may cause the refuse to be removed and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case such assessment is not paid within thirty (30) days, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

**550.1.4. Accumulation and Deposit of Garbage, Etc. Prohibited.** No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or likely to become a nuisance or in such a manner endangers or likely to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage, waste material, rubbish or ashes to be accumulated thereon in such a manner that the same is or likely to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials or ashes upon his own premises or the premises of another.

**550.1.5. Refuse not to be Thrown in Vacant Lot, Private Property, Etc.** No hay, straw, shavings, paper or other combustible material, sod, lawn trimmings, leaves, weeds, ashes, glass, bottles, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any sewer, intake, , vacant lot, or other property.

**550.1.6. Responsibility of Owners, Lessees, Etc. for Refuse on Premises.** It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business or residence or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily expected for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises.

**550.1.7. Building Materials to be Removed from Construction Sites.** All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence or sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property, regardless of whether it is privately or publicly owned.

**550.1.8. Removal of Refuse from Business Required.** All refuse as defined in Section 550.1.1 of this code shall be removed periodically from such respective establishments by the occupant / owner so that the premises are clean and orderly at all times. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Chief of Police or the chief's designee; such removal to be handled by the entities responsible therefor according to established protocol.

**550.1.9. Accumulation and Use of Manure.**

Deleted on October 1, 2015, by Ordinance No. 584.

**550.1.10. Burning of Garbage and Waste Material.** No person shall set on fire or burn any garbage, rubbish or waste material or any hay, grass clippings or other combustible materials unless done as a prescribed and controlled burn approved by the Town of Limon and the Limon Area Fire Protection District.

**550.1.11. Burning of Wood in a Fire pit.** The burning of wood, charcoal and similar flammable material for recreational purposes within a pit, vault, barbecue grill or feature designed for such purpose is allowed within Limon. Precaution must be taken to avoid damage to other property and can only be done during times suitable weather conditions exist. When a burn-ban has been issued outdoor burning shall be regulated according to the restrictions placed on said burning by the Limon Area Fire Protection District or by Lincoln County.

**550.2. Collection Regulations.**

**550.2.1. Definitions.** For the purpose of this section, the following words and phrases shall have the meanings hereinafter defined:

**550.2.1.1. Garbage:** Kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables not including dead animals and offal from slaughter-houses.

**550.2.1.2. Matter:** Broken crockery, bottles, broken bricks, metal cans, cardboard boxes, paper, straw, grass clippings, sawdust, packing materials, shavings, boxes and all noncombustible waste matter, ashes and all other residue of materials burned, and other refuse and waste material other than garbage.

**550.2.1.3. Self-contained Compaction Unit (SCU):** A Town approved, complete and independent refuse collection unit in and of itself; which contains a compactor (attached to an external power source) and a refuse holding container of a predetermined volume for refuse compacted at a specified density and is compatible with the Town's refuse collection equipment.

**550.2.1.4. Roll-off:** An open top rectangular shaped container, ranging in capacity, primarily used for the collection of construction related refuse and other pre-approved materials. The roll-off must be compatible with the Town's hook-lift vehicle.

**550.2.2. Town to Provide Collection Service.** The Town or its employees, agents, or contractors shall furnish garbage, rubbish, waste matter and ashes collection service as provided in this article to all persons, businesses and residences within Limon.

**550.2.3. Contract.** The Board of Trustees may enter into an exclusive contract or agreement with any person for the collection and disposal of recyclables, ashes, trash and garbage, or any portion thereof, throughout the town, or it may at its discretion make provision for the collection and disposal of recyclables, ashes, trash and garbage by others.

**550.2.4. Collection of Garbage and Waste Matter by Other than Town Prohibited; Exceptions.**

**550.2.4.1.** The Town, by and through its duly authorized agents, employees, or contractors shall be the sole agency for the collection and disposal of

garbage and waste matter, and no person except such duly authorized agents, employees, or contractors of the Town shall collect or dispose of any garbage or waste matter, other than his own, within Limon. In specific instances and under certain circumstances the Town Manager may approve of the collection and disposal of recyclables, trash and garbage by others when it is in the best interest of the Town.

**550.2.4.2.** Nothing in this section shall relieve any contractor of the obligation of cleaning up premises after completion of his contract. Nothing in this section shall prevent an individual from hauling his own waste material, provided that it is properly disposed of in conformity with all Town regulations, and that such individual is subject to all other provisions of the section.

**550.2.5. Charges for Town Collection Service.**

(Amended August 7, 1975, by Ordinance No. 235; amended January 7, 1982, by Ordinance No. 282; amended December 3, 2009, by Ordinance No. 535; amended on October 1, 2015, by Ordinance No. 584.)

**550.2.5.1.** The Board may, by resolution, establish charges for collection service under this section, prescribe the time and manner of payment of such charges and adopt measures designed to enforce the payment thereof such as, in their discretion, are necessary or desirable.

**550.2.5.2.** Such resolution, when adopted, shall be of the same force and effect as if incorporated in this section.

**550.2.5.3.** The amount of charges for garbage, rubbish, waste material and ashes collection service shall be assessed on the monthly utility bill. In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the Town Clerk to the county treasurer who shall collect the assessment, together with a ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected. The laws of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

**550.2.5.4. Rates for Collection Service.**

**550.2.5.4.1. Ground Level; Within 20 Feet; in Containers.** The rates for collection and disposal of refuse placed for collection at ground level, not more than twenty (20) feet distant from the side of the street or alley from which collection is

made, and in approved refuse containers shall be as follows:

**550.2.5.4.1.1. Single Dwelling**

**Units.** For single Dwelling Unit \$17.88 per month, which charge shall be added to the monthly utility bill.

**550.2.5.4.1.2. Multiple Unit**

**Dwellings and Mobile Home Parks.** For dwellings of two dwelling units or more or mobile home parks of two mobile home spaces or more, \$9.01 per occupied dwelling unit or mobile home space per month if collection service is provided at one site at said multiple unit dwelling or mobile home park. The owner of a multiple unit dwelling or such mobile home park shall report said occupancy to the Town Clerk on or before the fifteenth (15th) day of each month. Any dwelling unit or mobile home space occupied for ten (10) or more days during a month shall be reported as occupied for that particular month. In the event the owner fails to file said report as herein required, the monthly fee shall be based upon 100% occupancy of the multiple unit dwelling or mobile home park for the month. In the event collection service is provided a multiple unit dwelling or mobile home park at more than one site, the fee shall be the same as that for single dwelling units for each occupied dwelling unit or mobile home space. Said charges shall be added to the monthly water bill. Any mobile home park consisting of only one mobile home space shall be deemed a single dwelling unit for the purposes of this code.

**550.2.5.4.1.3. Commercial - for each business location, other than mobile home parks and multiple unit dwellings.** \$31.13 per month or \$5.47 per each dumpster collected, whichever amount is larger. An additional fee may be imposed by the Town Manager in an amount deemed by the manager to cover the cost of any extra service rendered because of the lack of the use of a dumpster(s) at the location. The Town Manager's decision may be appealed to the Board of Trustees. Upon fifteen (15) days' notice, the fee determined by the Town Manager may be modified as circumstances warrant. Said charges shall be added to the monthly utility bill.

**550.2.5.4.1.3.1. Special**

**Commercial Locations.** Should the Town Manager determine that a commercial location is not suitable for collection in a dumpster the Town Manager may identify the location as a Special Commercial Location and allow collection by polycart. For each Special Commercial Location \$31.13 per month or \$2.44 per

polycart emptied shall be collected, whichever amount is larger.

**550.2.5.4.1.4. Multiple Business**

**Buildings.** For multiple business buildings, \$21.99 per occupied business unit per month if collection service is provided at one site at said multiple business building. The owner of the building shall comply with the reporting requirements provided in section **550.2.5.4.1.3.** Said charge shall be added to the monthly utility bill.

**550.2.5.4.1.5. Self-contained**

**Compaction Unit (SCU).** For locations that use this method of refuse collection there is a minimum monthly fee, which is a rate equivalent to two lifts per month at the established rate, for the locations that are selected to participate with an SCU collection process. This fee is based upon lifting of a SCU, transportation to and from the landfill, the emptying of the SCU and the return of the SCU. All fees and charges established within this section are subject to **Section 550.2.5.4.3.**

**550.2.5.4.1.5.1. Town determination of location to use a SCU.** The Town Manager shall determine which businesses shall be required to use the SCU method of refuse collection. This determination shall be made according to the volume of generated refuse, the number of pickups required per week, and the physical characteristics of the location.

**550.2.5.4.1.5.1.1. Appeal.** The Town Manager's decision may be appealed within 30 days to the Board of Trustees at their next available regularly scheduled meeting. The Board shall reach a decision at this meeting and the date of the meeting shall be considered the notification to such location to incorporate the necessary accouterments for such service.

**550.2.5.4.1.5.1.2. Business request to use SCU.** If a location requests to use the SCU service, they must submit a written and signed statement requesting such desire to the Town Manager. The Town Manager may grant such a request as long as the necessary equipment is available and the Town can reasonably accommodate the change.

**550.2.5.4.1.5.1.3. Notification.**

When the determination is reached for a location to use the SCU refuse collection method, such location shall have a minimum of sixty (60) days to initiate plans for the SCU method and implementation shall

not exceed one hundred twenty (120) days after notification.

**550.2.5.4.1.5.2. Scheduled lifting fee.** For a regularly scheduled weekly, bi-weekly, or a mutually agreed upon routine pick up the lifting fee for a SCU with the capacity of 15 cubic yards or less shall be \$16.30. The fee for a larger SCU container will be computed by using the above-established rate for a 15 cubic yard SCU and applying a proportional lift fee for the utilized SCU's capacity.

**550.2.5.4.1.5.3. Non-scheduled lifting fee.** For a special requested pick-up there will be an additional fee of \$61.14.

**550.2.5.4.1.6. Roll-off Service Usage and Rates.** For locations that use this method of refuse collection there is a minimum fee of \$61.14. All fees and charges established within this section are subject to Section **550.2.5.4.3.**

**550.2.5.4.1.6.1. Roll-off standard equipment fee.** There is hereby established a minimum roll-off equipment fee of \$61.14, which provides for the use of any roll-off container that is 15 cubic yards or less for three days. The weekly fee will be \$122.27 with a maximum of \$305.68 per month for a roll-off container. Any other larger roll-off container capacity will be computed on a proportional basis.

**550.2.5.4.1.6.2. Roll-off Lifting fee.** The established lift fee for a roll-off container shall be \$12.23 per yard for the full capacity of the container.

**550.2.5.4.2. Other than Ground Level; More than 20 Feet and not in Containers.** Where the collection of refuse from other than ground level, from more than twenty (20) feet from the side of the street or alley, or not in approved containers, is accepted by the Town Manager, the fee shall be that of section **550.2.5.4.1.** plus a fee set by the Town Manager, subject to appeal to the Board of Trustees, which shall be deemed to cover the cost of the extra service rendered. Said charges shall be added to the monthly utility bill.

**550.2.5.4.3. On an annual basis.** These rates shall be adjusted by the amount of the previous year's Denver-Boulder Consumer Price Index with no further action of the Board of Trustees. The annual adjustment will take place in the January billing beginning in 2016.

**550.2.5.4.4. Exemptions.** The Board of Trustees of the Town of Limon has determined that

exemptions should be made to the charges set forth in Section **550.2.5.4.**

**550.2.5.4.4.1.** The Board of Trustees of the Town of Limon has determined that due to the level of service to the community combined with the relative low volume of trash produced that church buildings within the town of Limon shall be exempt from the charges set forth in Section **550.2.5.4.** This exemption does not, however, apply to other church owned properties including parsonages.

**550.2.5.4.4.2.** The Board of Trustees of the Town of Limon has determined that due to past and present cooperative efforts that the Colorado Department of Transportation shall be exempt from the charges set forth in Section **550.2.5.4.**

**550.2.5.4.4.3.** In circumstances where the occupant/owner is absent from the premises for an extended period, but water and sewer service must remain active, the refuse charge can be waived at the discretion of the Town Manager.

**550.2.6. Disposition and Use of Funds.** All funds collected by the Town for collection service under this section shall be credited to the Sanitation Department of the General Fund, the proceeds of which shall be used to defray expenses, such as the furnishing and maintaining of necessary equipment and payment of persons employed in the service, agents, or contractors.

**550.2.7. Collection of Tree Trimmings and Hedge Cuttings.** Any person desiring to place tree trimmings or hedge cuttings for collection shall cause the same to be cut not more than four (4) feet in length and four (4) inches in diameter. They shall place the same for collection in the same manner and times provided for the collection of garbage.

#### **550.2.8. Collection of Dead Animals.**

**550.2.8.1.** Dead animals shall not be placed in the waste containers and will not be picked up by the refuse collectors.

**550.2.9. Unauthorized Disturbance, Removal of Garbage, Containers Prohibited.** Except as authorized by the Town of Limon no person shall remove, handle or otherwise disturb any garbage or refuse containers or contents for servicing by the collectors; provided, that this section does not apply to

the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents.

**550.2.10. Promulgation of Rules and Regulations by Board of Trustees.** The Board of Trustees shall by resolution, promulgate rules and regulations relating to the manner of preparing and accumulating garbage, rubbish, waste material and ashes for collection; the type and kind of containers to be used for such accumulation; the manner of use of and care for such containers; and such other rules and regulations as, in their discretion, are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the garbage, rubbish, waste material and ashes collection system and service within the town; and such resolutions when adopted shall be of the same force and effect as if incorporated in this section, and prior regulations, not inconsistent with this code, are hereby approved and ratified.

**550.2.10.1. Refuse Containers.** Until further action by the Board of Trustees refuse containers shall be provided as follows:

**550.2.10.1.1. Residential Container Requirements.** Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Said containers shall be maintained in a clean, neat and sanitary condition at all times and shall be made of plastic or similarly weighted and durable material and shall be of such size and weight that it can be lifted safely manually or constructed in such a way as to attach to the mechanical lift on the refuse collection equipment and shall have an attached hinged lid. Any container that does not conform to the provisions of this section, or the following section when applicable, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The Town Manager shall have the authority to refuse collection services for failure to comply herewith.

**550.2.10.1.2. Commercial Container Requirements.** Commercial containers shall be compatible with the refuse collection equipment and shall be of a size and maintained in such condition as to be safely handled, placed in a convenient and accessible location, and shall be made of durable material designed to withstand the rugged conditions inherent of the collection process. After December 31, 1983, all commercial containers shall be the dumpster type container, or the equivalent thereof, unless said requirement is waived by the Town Manager because of the amount of refuse collected at a commercial location. In that event and when

appropriate, the commercial container shall be approved by the Town and shall be compatible with the Town's refuse collection equipment or as provided by contract with the Town.

#### **550.2.10.2. Collection Practices.**

**550.2.10.2.1. Frequency of Collection.** Refuse shall be collected at least once each week, unless emergency circumstances prevent said collection. Where necessary to protect the public health, the Town Manager shall have the authority to require that more frequent collections be made or more containers be provided.

#### **550.2.10.2.2. Limitation on Quantity.**

**550.2.10.2.2.1. Residential.** The Town Manager shall collect a reasonable accumulation of refuse of each family during a collection period for the standard charge.

**550.2.10.2.2.2. Commercial.** The Town Manager shall collect a reasonable accumulation during the collection period for the stated charge. The Town Manager shall have the authority to refuse to collect unreasonable amounts or to assess additional fees for such amounts.

**550.2.11. Enforcement of Section.** The Town Manager shall have charge and supervision of the garbage, rubbish, waste material and ashes collection system. The manager is empowered to employ and direct all assistants, laborers, agents, contractors, and employees in the operation of the service. The manager shall enforce the terms of this section and the various rules and regulations promulgated hereunder from time to time and shall be accountable to the Board of Trustees in all matters pertaining to the exercise of those powers and duties.

#### **550.3. Weeds Regulations.**

(Amended and moved to Section 520, Subsections 2.5, 4.6 and 6.3 on October 1, 2015, by Ordinance No. 584.)

#### **550.4. Refuse and Recyclables Collection Sites.**

**550.4.1. Definitions.** For the purpose of each and every provision of this section, the following definitions of terms shall apply:

**550.4.1.1. Refuse Collection Site:** any location designated by the Board of Trustees or the Town Manager where any approved final accumulation, processing or depository of solid wastes and recyclables occurs.

**550.4.1.2. Disposal:** the processing of solid wastes by providing a point of collection or accumulation, recycling, composting, grinding or any other equivalent sanitary method.

**550.4.2. Requirements for Establishing Refuse Collection Sites.** Any refuse collection site to be designated as a Town of Limon collection site shall meet the following requirements:

**550.4.2.1.** The proposed site shall meet and comply with the zoning regulations applicable thereto.

**550.4.2.2.** The site shall have been approved and comply with the rules and regulations adopted by the Town.

**550.4.2.3.** The plans and specifications of said site must be submitted to and approved by the Town Manager.

**550.4.3. Minimum Operating Standards.** Any refuse collection facility which has been approved and designated as a collection site shall at all times during which the same is so designated be operated and maintained according to the following minimum operating and maintenance standards:

**550.4.3.1.** Scattered material shall be frequently collected and disposed of in a satisfactory manner.

**550.4.3.2.** Rubble or bulky items shall be disposed of in such a manner to prevent unsightliness or any unsanitary condition or hazard.

**550.4.3.3.** Dust and other airborne matter shall be controlled in such a manner that the same does not create a nuisance, hazard or danger to persons using or employed at said site, or to adjacent properties.

**550.4.3.4.** Adequate measures shall be applied to control flies, mosquitoes, rats, or other rodents or vermin.

**550.4.4. Town Shall Supervise Refuse and Recyclable Collection Sites.** The Town Manager or the manager's designee shall regularly supervise and inspect the operation and maintenance of all Town of Limon collection sites.

#### **550.4.5. Rates.**

**550.4.5.1.** All rates charged at any Town of Limon refuse or recyclable collection site shall be fixed and approved by Resolution of the Board of Trustees.

**550.4.6. Operators Shall Enter Into an Agreement.** All operators of refuse or recycle collection sites within Limon shall enter into an operation and maintenance agreement with the Board of Trustees which shall be applicable to each specific circumstance and condition as appropriate. The Town shall have the right to suspend or revoke each designation of a Town of Limon refuse collection site as conditions warrant such change.

#### **550.4.7. Application for Operating A Town Refuse or Recycle Collection Site.**

**550.4.7.1.** Any person wishing to operate and maintain a collection site within Limon shall submit a written request therefor to the Board of Trustees which shall contain at least the following:

- Name.
- Address.
- Financial Statement.
- Previous experience in the operation and maintenance of a refuse collection site.
- Description of the site.
- All matters required in this chapter.
- Any other pertinent information as required by the Board of Trustees.

**550.4.7.2.** Upon satisfactory proof having been furnished to the Board of Trustees that all the conditions for the establishment and operation of a refuse or recycle collection site as herein contained have been met, the site proposed for designation as a Town of Limon refuse or recycle collection site may thereafter be designated as such at the sole discretion of the Board of Trustees.

#### **550.4.8. Duration of Designation.**

(Deleted on October 1, 2015, by Ordinance No. 584.)

**550.4.9. Authority to Enter Agreement.** The Town Board of Trustees shall approve all agreements to establish collection sites within Limon.

**550.4.10. Hazardous Waste Disposal.** No person shall bury or otherwise dispose of any

hazardous waste (as defined by state law) upon any property in Limon or owned by the Town of Limon.

(added January 6, 1983, by Ordinance No. 292; amended on October 1, 2015, by Ordinance No. 584)

**550.5. Penalty for Violation.** It is unlawful for any person to violate any of the provisions of this code and any such violation shall be punishable by a minimum fine of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00). Each day that such violation shall be allowed to continue shall constitute a separate and distinct offense.

(Amended January 6, 1983, by Ordinance No. 292; amended January 2, 1997, by Ordinance No. 411; amended on October 1, 2015, by Ordinance No. 584.)



**560 – Drilling and Pumping of Crude Oil, Natural Gas, or Other Crude Petroleum Product Prohibited**

HISTORY: Added May 4, 1999, by Ordinance No. 429. Deleted in its entirety on January 2, 2014, by Ordinance No 568 and added to the Limon Land Use Code, Section 512.



**600 - OFFENSES**

**610 - Children**

**611 - Offenses Affecting Children**

HISTORY: 1958 Municipal Code

**611.1. Curfew - Minors under Eighteen Years of Age.**

(Added November 3, 1988, by Ordinance No. 329; amended June 6, 1996, by Ordinance No. 399; amended March 16, 2000, by Ordinance No. 439; amended on February 4, 2016, by Ordinance No. 588).

**611.1.1. Definitions.** As used in this code, the following words shall have the necessary stated meanings:

**611.1.1.1. Public place:** a place to which the public or a substantial number of the public has access, including, but not necessarily limited to, any street, alley, road, highway, sidewalk, automobile parking lot, school, place of amusement, park, playground, and public building or facility.

**611.1.1.2. Loiter or loitering:** to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public place.

**611.1.2. Unlawful Acts.** It shall be unlawful for any person under the age of eighteen (18) years, or for any parent, guardian or other person having care or custody of any person under the age of eighteen (18) years to allow or permit such person, or for that person to loiter in or upon any public place within the Town of Limon subsequent to the hour of twelve o'clock (12:00) a.m., or prior to the hour of five o'clock (5:00) a.m., except for the purpose of lawful employment, or unless such person under the age of eighteen (18) years is accompanied by the parent or guardian of said person or unless such person is involved in or attending a school, religious, community, or athletic activity which includes adult sponsorship and supervision.

**611.1.2.1.** It shall further be considered and deemed to be an unlawful act for any person under the age of eighteen (18) years, or for any parent, guardian or other person having care or custody of any person under the age of eighteen (18) years to allow or permit such person, or for that person to be either the driver of or the passenger in any vehicle on a public road, street, highway, or public parking lot, within the time period as proscribed above if such person is not accompanied by his or her parent or guardian, or unless such person is either traveling to or from his or her place of lawful employment, or a school, religious, community, or athletic activity which included adult sponsorship and supervision.

**611.1.2.2.** Such person shall be deemed to be in violation of this code, as a loiterer, either on foot or in a vehicle, if such person, following the completion of his or her employment, school, religious, community, or athletic activity, has not taken the most direct route to his or her home within a reasonable amount of time following the completion of the event.

**611.1.3. Effective Period.** The provisions of this code shall be in effect and enforceable from, and including, May 1, 2000 and remain effective year-round from that date.

**611.1.4. Penalties for Violation.** Any person who shall violate any of the provisions of this code shall, upon conviction, be fined in a sum of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) upon said person's first violation hereunder. Any person who shall commit a second or subsequent violation of any of the provisions of this section within any calendar year shall, upon conviction, be fined in a sum of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00).



**612 – Prohibition and Consumption of Tobacco Products by Minors**

(Added by Ordinance No. 478 on November 7, 2002; amended by Ordinance 588 on February 4, 2016).

**612.1. Possession Prohibited.** Possession and Use of Tobacco Products by Minors. The following provisions shall be applicable to the prohibition and enforcement of the Town ordinance prohibiting the possession and use of tobacco by minors.

**612.1.1.** It is the intent of this ordinance to protect the public health, safety and welfare of the citizens of the town of Limon, and particularly minor children, by prohibiting the possession and use of tobacco products by minors and by prohibiting the dissemination and furnishing of tobacco products to minors.

**612.1.2. Definitions.** As used in this chapter, the following words or phrases are defined as follows:

**612.1.2.1.** Minor means any person under eighteen (18) years of age.

**612.1.2.2.** Smoking means holding or carrying of a lighted pipe, lighted cigar, lighted cigarette of any kind and

includes the lighting of a pipe, cigar, or cigarette of any kind.

**612.1.2.3** "Tobacco Product" means (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and (2) any Electronic Delivery Device that can be used to deliver nicotine or any other substance to the person inhaling from the device, including but not limited to an electronic cigarette, pipe, hookah, or vaping device; and (3) Notwithstanding any provision of subsections (1) and (2) to the contrary, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

**612.1.2.4.** "Electronic delivery device" means an electronic device that, when activated, emits a vapor or aerosol that may be inhaled or absorbed by the user, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic delivery device includes any component, part, or accessory of such device, whether or not sold separately, and includes any substance, with or without nicotine, intended to be aerosolized or vaporized during use of the device.

## **612.2. Unlawful Possession or Use of Tobacco Products by Minors.**

**612.2.1.** It shall be unlawful for any minor to possess any tobacco product or electronic delivery device.

**612.2.2.** It shall be unlawful for any minor to consume or use, either by smoking, ingesting, absorbing, or chewing, any tobacco product or to use any electronic delivery device.

**612.2.3.** It shall be unlawful for any minor to purchase, obtain, or attempt to purchase or obtain any tobacco product or electronic delivery device by misrepresentation of age or by any other method.

**612.2.4.** It shall be presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.

## **612.3. Unlawful Furnishing of Tobacco Products to Minors.**

**612.3.1.** It shall be unlawful for any person to knowingly furnish to any minor, by gift, sale, or any other means, any tobacco product or electronic delivery device as defined above.

**612.3.2.** It shall be an affirmative defense to a prosecution under this ordinance that the person furnishing the tobacco product was presented with and reasonably relied upon a document which identified the minor receiving the tobacco product as being eighteen (18) years of age or older.

## **612.4. Retail Sale of Tobacco Products.**

**612.4.1.** It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ, or permit any minor to sell tobacco products or electronic delivery devices from such retail business.

**612.4.2.** It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to stock or display a tobacco product or electronic delivery device in any way which allows a customer to access such tobacco product without first securing the physical assistance of an adult business employee for each transaction. The provisions of this Ordinance shall not apply to stores possessing a valid retail liquor store license, as defined by the Colorado Liquor Code, issued by the Town, and shall not apply to vending machines meeting the requirements of this Ordinance.

## **612.5. Vending Machines.**

**612.5.1.** It shall be unlawful for any person to sell or offer to sell any tobacco product or electronic delivery device by use of a vending machine or other coin-operated machine, except that tobacco products or electronic delivery devices may be sold at retail, through vending machines only in places to which minors are not permitted access and such vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner.

**612.5.2.** It shall be unlawful for any person to possess or allow upon premises controlled by such person an operable vending machine containing any tobacco product or electronic delivery device unless such vending machine is located in a place where minors are not permitted access and such vending machine is under direct supervision of the owner of the establishment or an adult employee of the owner.

**612.5.3.** As used in this ordinance, "under direct supervision" means the vending machine shall be in plain view of the adult employee or owner during regular business hours.

**612.6. Penalties.** Any person who shall violate any of the provisions of this section shall, upon conviction, be fined in a sum of not less than Fifty dollars (\$50.00), or more than Five Hundred dollars (\$500.00) upon said person's first violation hereunder. Any person who shall commit a second or subsequent violation of any of the provisions of this section shall, upon conviction, be fined a sum of not less than One Hundred Dollars (\$100.00), or more than Five Hundred Dollars (\$500.00). In addition to the aforementioned monetary penalty or as a partial waiver of that encumbrance, mandatory education on the subject of the effects of tobacco may be imposed.



**625 - Cruelty to Animals**

(Deleted in its entirety on February 4, 2016, by Ordinance No. 588).



**630 - Offenses Against Public Order and Safety**

**632 - Disturbance and Noise**

(Amended November 1, 2012, by Ordinance No. 560; amended on February 4, 2016, by Ordinance No. 588).

**632.1. Disorderly Conduct.** It shall be unlawful for any person to commit disorderly conduct. Disorderly conduct occurs if a person intentionally, knowingly, or recklessly does any of the following:

**632.1.1.** Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or

**632.1.2.** Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy; or

**632.1.3.** Fights with another in a public place except in an amateur or professional contest of athletic skill; or

**632.1.4.** Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or

**632.1.5.** Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represent verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to cause alarm.

It shall be an affirmative defense to any charge made under Section 632.1.4 and 632.1.5 if the alleged perpetrator is the holder of a current and lawful concealed weapon permit, and the alleged perpetrator was in custody or use of his or her weapon in accordance with the terms of the permit and applicable Colorado law.

**632.2. Penalty for Violation.** Violation of this code shall, if convicted, be punished by a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00).



**635 - Offenses Affecting Fires, Fire Protection and the Police Department**

(Amended on February 4, 2016, by Ordinance No. 588).

**635.1. Hindrance to Firefighter or Police Prohibited.** It shall be unlawful for any person willfully to offer any hindrance to any police officer or firefighter in the performance of their duty at a fire, or willfully, in any manner, to injure, deface, or destroy any fire apparatus belonging to the Town of Limon or the Limon Area Fire Protection District.

**635.2. Citizen's Refusal to Obey Official Orders at Fires.**

**635.2.1.** Every person who shall be present at a fire shall be subject and obedient to the orders of the Fire Chief or the chief's designee, or, in the absence of such chief or designee, to the orders of the Chief of Police or other police officer in extinguishing the fire and removing and protecting property.

**635.2.2.** Every person who shall neglect, or refuse to obey such orders, shall be guilty of a violation hereof.

**635.2.3.** Police officers shall have the power to arrest any person so neglecting or refusing to obey lawful orders as appropriate and their offense shall be dealt with according to law.

**635.2.4.** No person shall be bound by the provisions of this section unless the police officer or firefighter is known or has made said title known to such person.

**635.3. Interference with Duties of Firefighters.** It shall be unlawful for any person to interfere with any of the members of the Limon Area Fire Protection District in the discharge of their duties, or to hinder or prevent them from entering into or upon, or from inspecting any buildings, establishments, enclosures, or premises in the discharge of their duties.

**635.4. Turning in False Alarms.** It shall be unlawful for any person negligently or maliciously to turn in or cause to be turned in any false alarm at any police station, at any fire alarm box, by telephone call, or by any other means whatsoever.

**635.5. Interference with Fire Hydrants.**

**635.5.1.** The fire hydrants connected to the Town of Limon's distribution system shall be under the immediate charge of the Town Manager or the manager's designee and shall be available for access of the Fire Chief of the Limon Area Fire Protection District or the chief's designee.

**635.5.2.** It shall be unlawful for any person or persons to interfere with any such hydrant, either by turning the water on or off at the same, or interfering therewith in any manner whatsoever, without approval of the Town of Limon or the Limon Area Fire Protection District.

**635.5.3.** Any person other than those specially permitted, as aforesaid, to operate and use any such hydrant in any way, shall be liable for any injury or damage thereto.

**635.6. Obstructing Fire Hydrants.**

**635.6.1.** It shall be unlawful for any person in any manner to obstruct the use of any fire hydrant or fire alarm, box, or place any material in front thereof or within five feet from either side thereof or to restrict access to the apparatus by placement of a fence, shrub or other landscaping feature.

**635.6.2.** Any and all material forming such an obstruction may be forthwith removed by the Town Manager or the manager's designee at the risk, cost, and expense of the owner or claimant thereof.



**636 - Traffic Regulation and Offenses**

HISTORY: Ordinance No. 166 not repealed by 1958 Municipal Code; Repealed and reenacted March 7, 1963, by Ordinance No. 182; Repealed and reenacted March 21, 1968, by Ordinance No. 201; amended April 3, 1969, by Ordinance No. 207; Repealed and reenacted January 6, 1972, by Ordinance No. 217; Repealed and reenacted by Ordinance No. 229; Repealed and reenacted February 2, 1978, by Ordinance No. 247; amended December 7, 1995, by Ordinance No. 393; amended January 2, 1997, by Ordinance No. 411; amended September 4, 2003, by Ordinance No. 485; amended October 2, 2008, by Ordinance No. 525; amended by Ordinance No. 590 on August 4, 2016; Ordinance No. 590 repealed by Ordinance No. 599 on February 2, 2017.

**636.1. ADOPTION.** Pursuant to Parts 1 and 2 of Article 16, Title 31, C.R.S. as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code," promulgated and published as such by the State Department of Transportation, Safety and Engineering Branch, 4201 E. Arkansas Ave., EP 700., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of the Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and the Nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Limon, Colorado, and may be inspected during regular business hours.

**636.2. DELETIONS.** The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: NONE.

**636.3. ADDITIONS OR MODIFICATIONS.** The said adopted Code is subject to the following additions or Modifications:

**636.3.1.** No U turns at the following intersections:

**636.3.1.1.** E Avenue and 3rd Street (Main Street)

**636.3.2.** Section 1205(2). of said adopted code is modified to read in its entirety as follows:

**636.3.2.1.** On those streets which have been approved by code and signed or marked for angle parking, no person shall stop, stand, or park a vehicle other than at

the angle to the curb or edge of the roadway indicated by such signs or markings with the right-hand front wheel of the vehicle next to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

**636.3.2.2.** Angle parking shall not be permitted on any state highway unless the department of transportation has determined by resolution or order entered in its any of the following streets or parts of streets:

**636.3.3. THROUGH STREETS.** In accordance with the provisions of Section **636.3.2.1.** and when official signs are erected giving notice thereof, drivers of vehicles shall stop or yield as required by said signs at every intersection before entering

**NAME OF STREET PORTION AFFECTED**

(terminal limits)

State Highway 24 Eastbound

West City Limit at "K" Ave. to City Limit at First Ave.

State Highway 24 Eastbound

City Limit at approximately 1,000 feet east of First Ave. to East City Limit at approximately 1,800 feet east of First Ave.

State Highway 24 Westbound

East City Limit at approximately 1,800 feet east of First Ave. to West City Limit at "K" Ave.

State Highway 24 Spur

South City Limit just north of State Highway 40 to North City Limit just south of Interstate Highway 70 West Limon Interchange

State Highway 71

South City Limit at Colorado St. to City Limit at approximately 150 feet north of Immel St.

State Highway 71

City Limit at approximately 400 feet south of State Highway 24 just west of "J" Ave. extended to State Highway 24

State Highway 71 Northbound

From State High-(First Ave.)way 24 to North City Limit at 8th Ave.

State Highway 71 (First Ave.)

From North City Limit at 12th Southbound St. extended to State Highway 24

"E" Ave.

From 1st St. to 8th St.

**636.3.4. SECTION 1102 DECREASED AND INCREASED SPEED LIMITS.** In accordance with the provisions of section 1102 and when official signs are erected giving notice thereof, the speed limit shall be as specified for the following intersections or approaches thereto and upon the following streets or portions thereof:

NAME OF STREET	PORTION OF INTERSECTION AFFECTED	SPEED LIMIT (terminal)
8 <sup>th</sup> St.	From "D" Ave. to "G" Ave.	15 MPH (between 7:30 AM and 4:00 PM)
9 <sup>th</sup> St.	From "L" Ave. to "O" Ave.	15 MPH (between 7:30 AM and 4:00 PM)
"D" Ave.	From 8 <sup>th</sup> St. to 9 <sup>th</sup> St.	15 MPH (between 7:30 AM and 4:00 PM)

"E" Ave.	Between 7 <sup>th</sup> St. to 8 <sup>th</sup> St.	15 MPH (between 7:30 AM and 4:00 PM)
"F" Ave.	Between 7 <sup>th</sup> St. and 8 <sup>th</sup> St.	15 MPH (between 7:30 AM and 4:00 PM)
Interstate Highway 70	North City Limit just east of "D" Ave. to City Limit at State Highway 71	65 MPH
Interstate Highway 70	City Limit at 8 <sup>th</sup> St. and Highway 70 Arkansas Ave. to South City Limit just North of State Highway 24	65 MPH
State Highway 24	West City Limit at "K" Ave. Eastbound To City Limit at First Ave.	35 MPH
State Highway 24 Eastbound	City Limit at approximately 1,000 feet east of First Ave. to East City Limit at approximately 1,800 feet east of First Ave.	35 MPH
State Highway 24 Westbound	East City Limit of approximately 1,800 feet east of First Ave. to West City Limit at "K" Ave.	35 MPH
State Highway 24 Spur	South City Limit just north of State Highway 40 to North City Limit just south of Interstate Highway 70 West Limon Interchange	35 MPH
State Highway 71	South City Limit at Colorado St. to City Limit at approximately 150 feet north of Immel St.	35 MPH
State Highway 71	City Limit at approximately 400 feet south of State Highway 24 just west of "J" Ave. Extended, to State Highway 24	35 MPH
State Highway 71 Northbound	From State Highway 24 to (First Ave.) 4 <sup>th</sup> St.	35 MPH
State Highway 71 Northbound	From 4 <sup>th</sup> St. to North City (First Ave.) Limit At 8 <sup>th</sup> St.	45 MPH
State Highway 71 Southbound	From North City Limit at (First Ave.) 12 <sup>th</sup> St. Extended to 4 <sup>th</sup> St.	45 MPH
State Highway 71 Southbound	From 4 <sup>th</sup> St. to State (First Ave.) Highway 24	35 MPH

(Amended January 2, 1997 by Ordinance No. 411; Amended February 2, 2006 by Ordinance No. 513.)

**636.3.5. Section 1101(1). Basic Rule:** No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions existing, and in no event greater than a posted speed limit as established pursuant to the provisions of section 1101 or section 1102.

**636.3.6. Section 1101(2). Basic Rule:** Except when a special hazard exists that requires lower speed, and except as otherwise provided herein, the following speeds shall be lawful:

**636.3.6.1. Section 1101(4)** Any speed not in excess of a posted speed limit as established pursuant to the provisions of section 1101 or section 1102. Any speed in excess of a posted speed limit as established pursuant to the provisions of section 1101 or section 1102 shall be considered maximum lawful speed limits and not prima facie speed limits.

#### **636.4. PENALTY FOR VIOLATION.**

(Amended January 2, 1997 by Ordinance No. 411; Amended October 2, 2008 by Ordinance No. 525.)

It shall be unlawful for any person to violate any of the provisions stated or adopted in section 636. Where applicable, the fine shall be the same as and shall not exceed such fine as imposed by the State of Colorado, effective October 1, 2008, for similar traffic offenses or infractions committed on a state highway or road. A list of fines to be assessed for those traffic related offenses that are under the jurisdiction of the Limon Municipal Court is attached hereto as Exhibit A. A Schedule of Fines, composed of those traffic offenses and fines set forth in Exhibit A, shall be posted in the vicinity of where the violator is to pay his or her fine setting forth the maximum fine for each offense. This provision does not impede the Municipal Court Judge's discretion as to the suspension of fines for circumstances deemed relevant by the Judge. As to any violation of section 636 not described in the Schedule of Fines, any person convicted of such a violation shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00)."

**636.5. APPLICATION.** This code shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of section 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving, unauthorized devices, eluding office, and accident investigation shall apply not only to

public places and ways but also throughout this municipality.

#### **636.6. INTERPRETATION.**

**636.6.1.** This code shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic.

**636.6.2.** Section headings of section **636** and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.



### **637 - Heavy Vehicle Routes**

(Amended on June 6, 1996, by Ordinance No. 398; amended by Ordinance No. 588 on February 2, 2016)

**637.1. Definitions.** For the purposes of this code the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**637.1.1. Town:** the Town of Limon, Colorado.

**637.1.2. Person:** any person, firm, partnership, association, corporation, company or organization of any kind.

**637.1.3. Heavy Vehicle:** any vehicle designed or operated for the transportation of persons or property, and whose body weight or combined body and load weight exceeds Twenty Six Thousand (26,000) pounds.

**637.1.4. Heavy Vehicle Route:** a way over certain streets, as designated herein, over and along which heavy vehicles must operate.

#### **637.2. Application of Regulation.**

**637.2.1.** All heavy vehicles within Limon shall be operated only over and along the heavy vehicle routes herein established.

**637.2.2. Exceptions.** This code shall not prohibit:

**637.2.2.1. Operation on Street of Destination.**

The operation of heavy vehicles upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the permitted street intersection nearest the destination point.

**637.2.2.2. Emergency Vehicles.** The operation of emergency vehicles upon any street in Limon.

**637.2.2.3. Public Utilities.** The operation of heavy vehicles owned or operated by the Town, public utilities, any contractor or material hauler, while engaged in the repair, maintenance, public construction, or operation of streets, street improvements, or public utilities within Limon.

**637.2.2.4. Detoured Heavy Vehicles.** The operation of heavy vehicles upon any officially established detour.

**637.2.2.5.** The operation of recreational vehicles upon any street in Limon.

**637.3. Heavy Vehicle Routes Established.** There is hereby established within Limon the heavy vehicle routes indicated on the attached Heavy Vehicle Route Map incorporated herein and made a part hereof by reference.

**637.4. Parking of Heavy Vehicles.** No heavy vehicle shall be parked or stored upon any part of a street or alley which is adjacent to or contained within any residential zoning district created by the Town's zoning ordinance(s) or code(s), except for the conduct of business as described in Section 637.2 and said business parking shall not be for more than one hundred twenty (120) minutes, not including the time during which such heavy vehicle is actually being loaded or unloaded unless said activity has been authorized by the Town Manager or Police Chief.

**637.5. Enforcement.**

**637.5.1. Clerk Maintains Maps.** The Town Clerk shall keep and maintain accurate maps setting out heavy vehicle routes upon which heavy vehicle traffic is permitted and streets and alleys upon which heavy vehicle parking is permitted; the maps shall be kept on file in the office of the Town Clerk and shall be available to the public.

**637.5.2. Town Manager Maintains Signs.** The Town Manager of the Town shall cause streets upon

which heavy vehicle is prohibited to be clearly sign-posted, in accordance with the Model Traffic Code, to give notice that this code is in effect.

**637.5.2.1. Failure to Post.** No person shall be charged with violating the provisions of this code by reason of operating or parking a heavy vehicle upon a street wherein heavy vehicle travel or parking is prohibited unless appropriate signs are posted on such street.

**637.5.3. Weigh In.** Any police officer of the Town of Limon shall have the authority to require any person driving or in control of any heavy vehicle not proceeding over a heavy vehicle route or parked on a prohibited street or alley to proceed to any public or private scale available for the purpose of weighing and determining whether this code has been complied with.

**637.6. Penalty for Violation.** Any person, firm, or corporation violating any of the provisions of this code, upon conviction thereof, shall be fined in an amount of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Additional cost may be assessed if property damage occurs as result of the infraction.

(Added February 7, 1985 by Ordinance No. 307; amended January 2, 1997 by Ordinance No. 411; amended May 4, 1999 by Ordinance No. 428)



**638 - Angle Parking**

(Added on August 1, 1996, by Ordinance No. 400; amended on November 5, 1998, by Ordinance No. 426; amended on February 4, 2016, by Ordinance No. 588).

**638.1. Angle Parking.** Shall be permitted on the following streets or portions of streets:

**638.1.1.** Both sides of "E" Avenue from Civic Center Drive to 4th Street.

**638.1.2.** The west side of "D" Avenue from Main Street (U.S. 24) to 2nd Street. Parallel parking will be allowed with signage between 8 p.m. and 8 a.m.

**638.1.3.** The west side of "D" Avenue from 4th Street to the alley between Lots 3 and 4 of Block 21 of Meehan's Addition to the Town of Limon.

**638.1.4.** The west side of "C" Avenue from the alley between Lots 1 and 18, Block 29, Original Town of Limon to 1st Street.

**638.1.5.** The west side of "C" Avenue between Main Street (U.S. 24) and the alley located between Lots 3 and 4 of Block 20 of Meehan's Addition to the Town of Limon.

**638.1.6.** The east side of "C" Avenue from Main Street (U.S. 24) north for 60 feet.

**638.1.7.** The east side of "F" Avenue between 1st Street and 2nd Street.

**638.1.8.** The east side of "F" Avenue between 2nd Street and the alley located between Lots 12 and 13 in Block 23 of Meehan's Addition to the Town of Limon.

**638.1.9.** Both sides of 2nd Street between "D" Avenue and "F" Avenue.

**638.1.10.** Both sides of Civic Center Drive.

**638.1.11.** The south side of 1<sup>st</sup> Street from "G" Avenue east to "F" Avenue.

**638.1.12.** The west side of "H" Avenue from 4th Street to 5th Street.

**638.1.13.** The east side of "H" Avenue from 4th Street north for 100 feet.

**638.1.14.** The north side of 4th Street from "H" Avenue east for 76 feet.

**638.1.15.** The west side of "J" Avenue from Main Street (U.S. 40/287) north 105 feet.

**638.1.16.** The north side of 6th Street from "K" Avenue east to the alley located between Lots 6 and 7, Block 42, Pershings Addition to the Town of Limon.

**638.1.17.** The north side of Circle Lane between "L" Avenue and the alley located between Lot 18, Block 2 and Block 3, First Baskett Hills Addition to the Town of Limon.

**638.1.18.** The north side of 4th Street between H Avenue and I Avenue.

**638.1.19.** The north side of 4th Street between "I" Avenue and the alley between Lots 6 and 7, Block 3, Nuttings Addition to the Town of Limon.

**638.1.20.** Both sides of 6th Street between "D" Avenue and "E" Avenue.

**638.1.21.** The north side of Badger Way from "F" Avenue east to "D" Avenue except where parking is prohibited by official markings or signage.

**638.1.22.** The west side of California Avenue from a point 57 feet north of Main Street (Highway 24) for 55 feet.



**700 - BUSINESS AND TRADES**

**710 - Regulation of Transient Sales**

HISTORY: Ordinance No. 176, November 3, 1960; Repealed and reenacted September 1, 1966, by Ordinance No. 196; amended January 2, 1997, by Ordinance No. 411; amended June 7, 2012, by Ordinance No. 554.

**710.1. Permit Required.**

**710.1.1.** It is unlawful for any person to solicit, peddle, or otherwise engage in transient sales of goods, wares, merchandise, products, or personal property as defined in Section 710.2 within the Town limits without first procuring a permit as provided in this Section.

**710.1.2.** It is unlawful to sell goods, wares, merchandise, chattels, or personal property of any kind whatsoever at public auction or by hawking or peddling the same within the Town limits unless such person shall be first procured a permit therefore, as hereinafter provided.

**710.1.3.** It is unlawful to operate for gain or hire within the Town limits any striking machine, ring game, ball and puppet game, cane rack, knife board, or other similar game or devise typically associated with carnival or fair type activities unless such person shall have first procured a permit therefore, as hereinafter provided.

**710.2. Definitions.** The following words, terms and phrases, when used in this Section shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**710.2.1. “Solicitor”** means any person who travels from place to place within the Town boundaries by any type of conveyance taking or attempting to take orders for the sale of goods, wares, and merchandise, personal property, or services of any kind whatsoever for future delivery, whether or not such person has, carries, or exposes for sale a sample of the subject of such sale, or whether or not he or she is collecting advance payment on such sales.

**710.2.2. “Peddler”** means any person who travels from place to place by any type of conveyance, carrying his or her goods, wares, and merchandise with him or her, offering and exhibiting such goods, wares, and merchandise for sale; or any person who, without traveling from place to place, sells or offers the same for sale from any type of vehicle or conveyance. A peddler generally offers for sale, consummates the sale, and delivers the goods at one and the same time to the ultimate purchaser or consumer. Any person who solicits, orders, and as a separate transaction, makes

deliveries to the purchaser as part of a scheme or design to evade the provisions of this definition shall be deemed to be peddling and shall be subject to the provisions of this Article.

**710.2.3. “Transient Seller”** means any person, either as principal or agent, who engages in a business of selling and delivering goods, wares, and merchandise or services from a temporary fixed location within the Town of Limon, and who, in the furtherance of such purpose hires, leases, uses, or occupies any building, structure, room, apartment, lot, parking lot, street, sidewalk, or other place, whether public or private, within the Town, for the exhibition and sale of such goods, wares, and merchandise, either privately or at an auction. Any person who engages in transient selling shall not be relieved from complying with the provisions of this Section by reason of associating himself or herself with any established local dealer, trader, merchant, or auctioneer, or by conducting transient selling in connection with as part of, or in the name of, any established local dealer, trader, merchant, or auctioneer, or by conducting transient selling in connection with, as part of, or in the name of any established local dealer, trader, merchant, or auctioneer. If the conduct of any person falls within the definitions of both peddler and transient selling as contained in this section, he or she shall be deemed to be transient selling for the purposes of this Section.

**710.3. Exemptions From Article.**

**710.3.1.** Religious, local government, educational, and charitable nonprofit organizations shall be exempt from the provisions of this Section. Charitable nonprofit organizations exempt under Section 710.3.1 shall provide documentation of non-profit status to the Town Clerk before exemption is granted.

**710.3.2.** Town Resident yard and garage sales of less than two days in duration and less than seven days in any particular year shall be exempt from the provisions of this Section.

**710.3.3.** Vendors, merchants, exhibitors, and salespersons who exhibit, demonstrate or solicit orders for goods, wares, or merchandise in conjunction with a local government or public school sponsored event shall be exempt from the provisions of this Section.

**710.3.4.** Any art or crafts fair, show, exhibition of arts, crafts, or similar handiwork, or Town wide celebrations, observances, or special events such as an annual sidewalk or parking lot sale, which includes more than five (5) exhibitors or merchants, shall be exempt from this Section; provided that the event sponsor advise

the Town Clerk of the name and address of the event sponsor, purpose and duration of the event, number of exhibitions or merchants taking part in the event, and the location of the event.

**710.3.5.** Any person who exhibits a privately owned vehicle for sale on private property or who temporarily parks a privately owned vehicle on which a “for sale” sign is displayed shall be exempt from the provisions of this Section.

**710.3.6.** Wholesale and distributor representatives servicing existing businesses in the Town or such representatives soliciting new business with existing businesses in the Town shall be exempt from the provisions of this Section.

**710.3.7.** Vending machines, coin-operated amusement machines, signs and billboards shall be exempt from the provision of this Section.

**710.3.8.** Private sales made by telephone or mail appointment where the solicitor is invited to a private residence shall be exempt from the provisions of this Section.

**710.4. Transient Sales Permit – Application; Fees; Permit Approval / Denial.**

**710.4.1.** Any person transacting any business or selling activity defined in this Section shall first obtain from the Town Clerk a permit before engaging in any such selling or soliciting activities. This permit shall be referred to as a “Transient Sales Permit”. Applicants must be at least eighteen (18) years of age. Each sales representative of the permitted business must have a copy of the permit on his person and a valid state or military issued identification.

**710.4.2.** Persons requesting a Transient Sales Permit shall provide a copy of a valid Colorado sales tax license and the following information to the Town Clerk on an application furnished by the Town Clerk.

**710.4.2.1.** Applicant’s name, date of birth, driver’s license or state or military identification number, home and business address and telephone numbers.

**710.4.2.2.** Description and license numbers of vehicles used for the transient sales activity.

**710.4.2.3.** Name, date of birth, driver’s license number and home address of each other sales representative operating under this permit.

**710.4.2.4.** Name of business firm represented and parent company, if any, and a brief description of the nature of the business and goods being sold.

**710.4.2.5.** Location(s) and / or method the applicant intends to use to conduct business (such as selling out of home or building, selling out of car / truck, concession stand or booth, or door-to-door sales, etc.)

**710.4.2.6.** Length of time the applicant intends to be doing business under this permit.

**710.4.3.** Permit fees shall be paid at the time of application and prior to issuance of the permit. Permits are non-transferable. The Town Clerk or designee may impose conditions on the approval of permits including, but not limited to, cleanup, sanitation, or security measures. The fees to be paid for the issuance of permits shall be established by Resolution of the Board as deemed appropriate from time to time and kept / or posted in the office of the Town Clerk. The cost of the permits shall vary in amount as to the applicant’s need to have a permit issued for a day, for a season, or for a year.

**710.4.4.** The Transient Sales Permit shall contain the permit number, the name of the applicant and his or her representatives, business name, description of the type of goods to be sold or business activity, location where sales will take place and / or method of sales, any special conditions, date of issuance and expiration, and the Town Clerk’s signature.

**710.4.5.** The Town Clerk may deny an application for a Transient Sales Permit based on the wants or warrants record, misrepresentation, fraud, deceit, or impropriety of the applicant or his or her representatives or other grounds that such transient business would not be in the best interest of the Town or its citizens.

**710.4.6.** The Police Chief may suspend or revoke a Transient Sales Permit based on misrepresentation, fraud, deceit, or impropriety of the applicant or his or her representatives or other grounds that such transient business would not be in the best interest of the Town or its citizens and shall give the applicant or permit holder prompt notice.

**710.4.7.** Any applicant may appeal a denial or revocation of a permit. The applicant may request a hearing before a neutral party appointed by the Mayor. If the applicant requests an appeal hearing, the Town Clerk shall provide written notice of the time and place of the hearing. Such notice shall be mailed postage prepaid by regular United States mail at least five (5) days prior to the date set for hearing.

**710.5. Verification of Information; Background Check of Applicant.** Upon receipt of an application, the Town Clerk shall verify information on the application and provide a copy of the application to the Town Police Department. The Police Department may conduct a wants or warrants check and provide the results to the Town Clerk.

**710.6. Conduct of Business; Prohibited Acts; Same Declared as Nuisance.**

**710.6.1.** No solicitor, peddler, or transient seller shall:

**710.6.1.1.** Sell from any location within the Town limits without a valid Transient Sales Permit.

**719.6.1.2.** Carry on his or her business upon any street, alley, sidewalk, park, or any other public place unless specified on the permit that such business activity in such public place be permitted thereunder.

**710.6.1.3.** Park or stand his or her sales stand, wagon, automobile, or other vehicle upon any sidewalk or sidewalk area, street, alley, highway, or public thoroughfare so as to obstruct free travel thereon.

**710.6.1.4.** Enter into a sale with any individual under the age of eighteen (18) unless provided for in the permit.

**710.6.1.5.** Enter into any sale with any individual who appears to be intoxicated or under the influence of drugs.

**710.6.1.6.** Knowingly provide any inaccurate, false, or misleading information with respect to required records of any transactions conducted by the permit holder.

**710.6.1.7.** Enter into any private residence or premises in conjunction with transient sale business without having first been invited or requested by the owner or occupant of such residence or premises.

**710.6.1.8.** Approaching any location posted with "no solicitors" signage.

**710.6.2.** Any of the above described prohibited activity committed by solicitors, peddlers, or transient sellers shall be declared as a violation of this section and shall be deemed to be a public nuisance.

**710.7. Exhibition of Permit.** Transient Sales Permit holders and sales representatives are required to exhibit their permit at the request of any Town officer or citizen.

In addition, any transient sales permit holder(s) or sales representatives are required to exhibit their driver's license or other state or military issued identification upon the request of any Town officer or employee.

**710.8. Record of Transient Sales Permits.** The Town Clerk shall maintain a record of all permits issued pursuant to the provisions of this Section and all permit fees shall be paid into the general fund of the Town of Limon.

**710.9. Enforcement.** It shall be the duty of the Town Police Department to enforce the provisions of this Section as to any solicitor, peddler, or transient seller found to be engaged in business without a valid Transient Sales Permit or in violation of any other provision of this Section.

**710.10. Violations – Penalty.** Upon the conviction of any person or persons charged with a violation of this Ordinance or any provisions thereof, such person or persons shall be guilty of a petty offense and shall be subject to a fine as imposed by Sub-section 520.22 – Penalties for Violation under Section 520 – Nuisances.



**720 - Taxation**

**721 - Telephone Companies**

HISTORY: Adopted November 21, 1968, by Ordinance No. 206; Deleted in its entirety on April 7, 2016, by Ordinance No. 591

**722 - Telephone Utility Companies**

HISTORY: Adopted October 7, 1976, by Ordinance No. 241; amended on January 2, 1997, by Ordinance No. 411.

**722.1. LEVY OF TAX.** There is hereby levied on and against telephone utility company operating within the Town of Limon, (hereinafter called the "Town") a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the Town of Limon and of supplying local exchange telephone service to the inhabitants of the Town. The annual amount of tax levied hereby shall be equal to \$3.60 per telephone account for which local exchange telephone service is provided within the corporate limits of the Town of Limon on the effective date as provided in Section **722.2.** and upon each anniversary of the effective date.

**722.2. EFFECTIVE DATE.** The tax levied by this code shall commence on November 15, 1976, and shall be due and payable in twelve (12) equal monthly installments with the first such installment due thirty (30) days after the effective date.

**722.3. FILING STATEMENT.**

**722.3.1.** Within thirty (30) days after the effective date as provided in Section **722.2.**, each telephone utility company subject to this code shall file with the Town Clerk, in such form as the Clerk may require, a statement showing the total telephone accounts for which local exchange telephone service was provided within the corporate limits of the Town on the effective date.

**722.3.2.** Such statement shall be filed within thirty (30) days after each anniversary of the effective date showing such accounts on the anniversary date.

**722.4. FAILURE TO PAY.** If any telephone utility company subject to the provisions of this code shall fail to pay the taxes as herein provided, the full amount thereof shall be due and collected from such company, and the same together with an addition of ten percent (10%) of the amount of taxes due shall be and hereby is declared to be a debt due and owing from such company to the Town. The Town Attorney of the Town upon direction of the Board of Trustees shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the said debt in the name of the people of the Town of Limon, Colorado.

**722.5. PENALTY FOR VIOLATION.** If any officer, agent or manager of a telephone utility company which is subject to the provisions of this code shall fail, neglect, or refuse to make or file the annual statement of accounts provided in Section **722.3.**, the said officer, agent, manager or person shall, on conviction thereof, be punished by a fine not more than Five Hundred Dollars (\$500.00); provided, that each day after said statement shall become delinquent during which the said officer, agent, manager or person shall so fail, neglect, or refuse to make and file such statement shall be considered a separate and distinct offense.

**722.6. INSPECTION OF RECORDS.** The Town, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the telephone utility company which are subject to the provisions of this code and to make copies of the entries or contents thereof.

**722.7. LOCAL PURPOSE.** The tax herein provided is upon occupations and businesses in the performance of

local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this code be construed to mean that any telephone utility company is issued a franchise by the Town, and is subject to all standards for the use of streets and alleys as required or may be required by the Town, including repair of damage caused by the telephone utility company. The repair of damage shall, in no circumstance, be less than repair to a condition equal to the original condition before damages occurred.

**722.8. TAX IN LIEU OF OTHER TAXES, ETC.** The tax herein provided shall be in lieu of all other payments by or fees and taxes on any telephone utility subject to the provisions of this code, other than ad valorem taxes, and in addition shall be in lieu of any free service furnished the Town by any said telephone utility.



## 723 - Sales and Use Tax

HISTORY: Adopted July 27, 1978 by Ordinance No. 251. Amended January 4, 1996 by Ordinance No. 395; amended on July 5, 2012 by Ordinance No. 556.

**723.1. PURPOSE.** The purpose of this code is to impose a sales tax on the sale of tangible personal property at retail and the furnishing of services within the Town of Limon, Colorado (hereinafter "Limon" or "Town"), and a use tax on the privilege of using or consuming within the Town any construction and building materials and motor and other vehicles on which registration is required, purchased at retail, pursuant to Colorado Revised Statutes of 1973, Title 29, Article 2, as amended.

**723.2. DEFINITIONS.** For the purpose of this code, the meanings of words herein contained shall be as defined in Colorado Revised Statutes of 1973, Section 39-26-102, as amended, and said definitions are incorporated herein.

**723.3. SALES TAX LEVIED.** There is hereby levied and there shall be collected and paid a tax equal to two percent (2%) of gross receipts from all sales of tangible personal property at retail and the furnishing of services within the Town. The sales of tangible personal property and the furnishing of services taxable under this code shall be the same as those taxable pursuant to Colorado Revised Statutes of 1973, Section 39-26-104, as amended.

**723.4. SALES TAX - NONAPPLICABILITY.** The Town's sales tax shall not apply to the sale of construction and building materials, as the term is used in Colorado Revised Statutes of 1973, Section 29-2-109, as amended, if such materials are picked up by the purchaser, and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the Town, including a Certificate of Use on a form provided by the Town, evidencing that a local use tax has been paid.

**723.5. SALES TAX COLLECTION AND SCHEDULES.**

**723.5.1.** The collection, administration, and enforcement of this sales tax shall be performed by the Executive Director of the Department of Revenue of the State of Colorado (hereinafter the "Executive Director") in the same manner as the collection, administration, and enforcement of the Colorado state sales tax. The provisions of Colorado Revised Statutes of 1973, Title 39, Article 26, as amended, and all rules and regulations promulgated there under by the Executive Director shall govern the collection, administration, and enforcement of this sales tax.

**723.5.2.** The sales tax on individual sales levied by this code shall be collected in accordance with schedules set forth in a separate ordinance or code enacted by the Board of Trustees of Limon, or if no such separate ordinance or code is enacted, in accordance with schedules set forth in the rules and regulations promulgated by the Executive Director under Colorado Revised Statutes of 1973, Title 29, Article 2, or Title 39, Article 26, as amended. If any vendor, during any reporting period, shall collect as a sales tax under this code an amount in excess of two percent (2%) of his total taxable sales for that period, he shall remit to the Executive Director the full amount of this sales tax and also such excess.

**723.6. SALES TAX EXEMPTIONS.**

**723.6.1.** All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from this sales tax when such sales meet both of the following conditions:

**723.6.1.1.** The purchaser is a nonresident of or has his principal place of business outside the limits of Limon; and

**723.6.1.2.** Such personal property is registered or required to be registered outside the limits of Limon under the laws of the State of Colorado.

**723.6.2.** Occasional Sales by a charitable organization recognized as Sales and Use Tax Exempt by the State of Colorado as specified in section 39-26-718 (1) (b), C.R.S as amended.

**723.6.2.1.** "Occasional Sales" means retail sales of tangible personal property, including concessions, for fund-raising purposes if:

**723.6.2.1.1.** The sale of tangible personal property or concessions by the charitable organization takes place no more than twelve days, whether consecutive or not, during any one calendar year;

**723.6.2.1.2.** The funds raised by the charitable organization through these sales are retained by the organization to be used in the course of the organization's charitable service; and

**723.6.2.1.3.** The funds raised by the charitable organization through these sales do not exceed twenty-five thousand dollars during any one calendar year.

**723.6.3.** Sales related to a School recognized as Sales and Use Tax Exempt by the State of Colorado as specified in 39-26-725, C.R.S. and 39-26-718 (1)(c), C.R.S. as amended.

**723.6.3.1.** "School" means a public or nonpublic school for students in kindergarten through twelfth grade or any portion thereof.

**723.6.3.2.** A sale that benefits a Colorado school shall be exempt from Town sales tax if the sale is made by any of the following:

**723.6.3.2.1.** A school;

**723.6.3.2.2.** An association or organization of parents and school teachers;

**723.6.3.2.3.** A booster club or other club, group, or organization whose primary purpose is to support a school activity; or

**723.6.3.2.4.** A school class or student club, group, or organization.

**723.6.4.** All sales and purchases of farm equipment as exempted by 39-26-716 (2)(b) C.R.S. as well as:

**723.6.4.1.** Any farm equipment under lease or contract, if the fair market value of the equipment is at least one thousand dollars and the equipment is rented

or leased for use primarily and directly in any farm operation as exempted by 39-26-716(2)(c)(I) C.R.S.; and

**723.6.4.2.** The lessor or seller of such farm equipment shall obtain a signed affidavit from the lessee, renter, or purchaser affirming that the farm equipment will be used primarily and directly in a farm operation as exempted by 39-26-716(2)(c)(II).

**723.6.5.** All sales and purchases of agricultural compounds that are consumed by, administered to, or otherwise used in caring for livestock are exempt as exempted by 39-26-716 (2) (d) C.R.S.

**723.6.6.** All sales and purchases of pesticides that are registered by the commissioner of agriculture for use in the production of agricultural and livestock products pursuant to the provisions of the "Pesticide Act", article 9 of title 35, C.R.S., and offered for sale by dealers licensed to sell such pesticides pursuant to section 35-9-115, C.R.S. as exempted by 39-26-716 (2)(e) C.R.S.

**723.6.7.** All sales and purchases drugs and medical and therapeutic devices exempted by 39-26-717 C.R.S.

**723.6.8.** All sales and purchases sales of coins and precious metal bullion exempted by 39-26-704(4)(a)(b) C.R.S.

**723.7. SALES TAX - CREDIT FOR SALES OR USE TAXES PREVIOUSLY PAID TO ANOTHER MUNICIPALITY.** The Town's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule municipality equal to or in excess of two percent (2%). A credit shall be granted against the Limon sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule municipality. The amount of the credit shall not exceed two percent (2%).

**723.8. SALES TAX GENERAL PROVISIONS.**

**723.8.1.** All retail sales shall be considered consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.

**723.8.2.** Gross receipts from sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Colorado Revised

Statutes of 1973, Title 39, Article 26, as amended, regardless of the place to which delivery is made.

**723.8.3.** In the event a retailer has no permanent place of business in Limon, or more than one place of business, the place or places at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of Colorado Revised Statutes of 1973, Title 39, Article 26, as amended, and by the rules and regulations promulgated there under by the Executive Director.

**723.8.4.** Gross receipts shall not include the state sales and use tax imposed by Colorado Revised Statutes of 1973, Title 39, Article 26, as amended.

**723.9. SALES TAX VENDOR'S FEE.** The vendor shall be entitled, as collection agent for Limon, to withhold a collection fee in the amount designated by state statute, currently three and one-third percent (3 1/3%), from the total amount of the sales tax remitted by the vendor to the Colorado Department of Revenue each month or at a frequency stipulated for their account. If any vendor is delinquent in remitting said tax, penalties shall be assessed as provided by statute and shall be paid promptly by any such delinquent vendor.

**723.10. USE TAX LEVIED.** There is hereby levied and there shall be collected and paid a use tax upon the privilege of using or consuming within the Town, any construction and building materials, and motor and other vehicles on which registration is required, which are purchased at retail, in an amount equal to two percent (2%) of the retail cost thereof.

**723.11. USE TAX EXEMPTIONS.**

**723.11.1.** There shall be an exemption to the imposition of a use tax applicable as follows:

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

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

**723.11.1.3.** To the storage, use, or consumption of tangible personal property brought into the Town by a non-resident thereof for his own storage, use, or consumption while temporarily within the Town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property

brought into the State of Colorado by a non-resident to be used in the conduct of a business in this State;

**723.11.1.4.** To the storage, use or consumption of tangible personal property by the United States government or the State of Colorado, or its institutions or political subdivisions, in their governmental capacities only or by religious or charitable corporations in the conduct of their religious or charitable functions:

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

**723.11.1.6.** To the storage, use, or consumption of tangible personal property and household effects acquired outside of the Town and brought into it by a non-resident acquiring residency;

**723.11.1.7.** To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of Limon and he purchased the vehicle outside of Limon for use outside of Limon and actually so used it for a substantial and primary purpose of which it was acquired and he registered, titled, and licensed said motor vehicle outside of the Town;

**723.11.1.8.** To the use or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to July 27, 1978.

**723.11.1.9.** To the use or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to July 27, 1978.

**723.11.1.10.** To the use or consumption of any construction and building materials for which a building permit is issued after August 1, 1996 by any business that shows proof of a valid Town of Limon Sales Tax Account with the Colorado Department of Revenue.

(Added August 1, 1996 by Ordinance no. 301)

**723.12. USE - TAX CREDIT FOR SALES OR USE TAXES PREVIOUSLY PAID TO ANOTHER MUNICIPALITY.** The Town's use tax shall not apply to the storage, use, or consumption of any article of

tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule municipality equal to or in excess of two percent (2%). A credit shall be granted against Limon's use tax with respect to a person's storage, use, or consumption in Limon of tangible personal property purchased by him in a previous statutory or home rule municipality. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule municipality on his purchase or use of the property. The amount of the credit shall not exceed two percent (2%). It shall be the obligation of the person or entity claiming the credit to furnish receipts or other written proof of the tax paid by such person or entity to the previous statutory or home rule municipality.

**723.13. MOTOR AND OTHER VEHICLE USE TAX COLLECTION.**

**723.13.1.** The two percent (2%) use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue of the State of Colorado or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this code has been paid.

**723.13.2.** This use tax shall be collected by the authorized agent of the Department of Revenue of the State of Colorado in Lincoln County.

**723.13.3.** The proceeds of this use tax shall be paid to the Town periodically in accordance with an agreement entered into by and between Limon and the authorized Lincoln County Agent of the Department of Revenue of the State of Colorado.

**723.14. CONSTRUCTION AND BUILDING MATERIALS USE TAX COLLECTION.**

**723.14.1.** The collection of this use tax for construction and building materials shall be administered by the Board of Trustees of Limon or its authorized representatives.

**723.14.2.** Any person, partnership, or corporation who shall build, construct, or improve any building, dwelling or other structure or improvement to realty whatsoever within the Town of Limon, shall upon application for a building permit, pay as a deposit for payment of the tax levied by this code an amount equal

to two percent (2%) of fifty percent (50%) of the estimated cost of the improvement, or two percent (2%) of fifty percent (50%) of the total contract price, if there is a contract for the building construction or improvement; provided, however, that if the estimated cost of the improvement or the total contract price is in excess of Two Hundred Thousand Dollars (\$200,000.00) the Board of Trustees, or their designated agents, in their discretion and upon proper application, may authorize a waiver of said deposit and accept the payment of said tax on a monthly, quarterly or other basis, based upon actual purchases of materials, supplies and equipment for which such tax may be due, subject to such rules and regulations as the Board may from time to time adopt. In all cases where the deposit required by the provisions of this Section is made, if it is determined at the time of the completion of the building, dwelling or other structure of improvement from the invoices and statements reflecting the purchase therefor, that the deposit made as herein required, together with the actual payments to the Town as a sales tax, is in excess of the actual tax due therefor, the person making said deposit or paying said tax may make application to the Board of Trustees or their designated agents for refund of any amount paid in excess of the actual taxes due, in which event it shall be the duty of the person making such application to furnish all necessary bills and invoices evidencing over-payment of the tax, and, if the Board or its designated agent, is satisfied that there has been such overpayment, the sum shall be refunded to the taxpayer.

**723.15. REFUND PROCEDURE.**

**723.15.1.** A refund shall be made or credit allowed for any tax paid under protest by any purchaser or user, who has, or claims to have, an exemption as provided in this code and who meets the following procedure and requirements:

**723.15.1.1. Application.** Applications for refund must be made within One Hundred Eighty (180) days after the completion of a construction project or within Thirty (30) days of the issuance of a Certificate of Occupation as issued by the Building Department whichever event first occurs. All other requests for refund which do not involve a construction project shall be made within ninety (90) days after the purchase or use of the goods on which the exemption is claimed. Such application must be supported by the affidavit of the contractor, purchaser, or user accompanied by the original paid invoices or sales receipts and a certificate issued by the seller, together with such further information as may be requested by the Town or its designated agents.

**723.15.1.2.** An application for refund of sales or use tax paid under dispute by a purchaser or user who claims an exemption pursuant to this code shall be made within sixty (60) days after the purchase, storage, use or consumption of the goods, or services whereon an exemption is claimed.

**723.15.1.3.** An application for refund of tax moneys paid in error or by mistake, shall be made within three (3) years after the date of purchase, storage, use or consumption of the goods for which the refund is claimed.

**723.15.2. Decisions.** Upon receipt of such application and accompanying information, the Director shall examine the same with all due speed and shall give notice to the applicant by an order in writing of his decision thereon.

**723.15.3. Hearing.** An aggrieved applicant may, within ten (10) days after such decision is mailed to him, petition the Town for a hearing on the claim in which case the Town, or its designated agents, shall, upon notice to the applicant, hold a hearing upon such application, taking such information or evidence as may be material, and shall, thereafter, render its final decision upon such application. The decision of the Town must be issued within ninety (90) days of the hearing. If the applicant remains aggrieved, he is entitled to request or participate in the Alternative Dispute Resolution Procedure as set forth below.

**723.16. USE TAX - ALTERNATIVE DISPUTE RESOLUTION PROCEDURE - DEFICIENCY NOTICE OR CLAIM FOR REFUND.**

**723.16.1.** The taxpayer may elect a state hearing on the Town's final decision on a deficiency notice or claim for refund pursuant to the procedure set forth in this section.

**723.16.2.** As used in this section, the term "state hearing" means a hearing before the Executive Director of the Department of Revenue or delegate thereof as provided in Colorado Revised Statutes of 1973, Title 29, Article 2, Section 106.1(3), as amended.

**723.16.3.** When the Town asserts that use taxes are due in an amount greater than the amount paid by a taxpayer, the Town shall mail a deficiency notice to the taxpayer by certified mail. The deficiency notice shall state the additional use taxes due. The deficiency notice shall contain notification, in clear and conspicuous type, that the taxpayer has the right to elect a state hearing on the deficiency pursuant to C.R.S. 29-2-106.1(3), as amended. The taxpayer shall also have the right to elect

a state hearing on the Town's denial of such taxpayer's claim for a refund of use tax paid.

**723.16.4.** The taxpayer shall request the state hearing within thirty days after the taxpayer has exhausted all local remedies. The taxpayer shall have no right to such hearing if he has not exhausted local remedies or if he fails to request such hearing within the time period provided for in this section. "Exhaustion of local remedies" shall mean:

**723.16.4.1.** The taxpayer has timely requested in writing a hearing before the Town and such Town has held such hearing and issued a final decision thereon in accordance with Section **723.15**. Such hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the Town may submit a brief. The Town shall hold such hearing and issue the final decision thereon within ninety days after the Town's receipt of the taxpayer's written request therefore, except the Town may extend such period if the delay in holding the hearing or issuing the decision thereon was occasioned by the taxpayer, but, in any such event, the Town shall hold such hearing and issue the decision thereon within one hundred eighty days of the taxpayer's request in writing therefore; or

**723.16.4.2.** The taxpayer has timely requested in writing a hearing before the Town and the Town has failed to hold such hearing or has failed to issue a final decision thereon within the time periods prescribed in section **723.16.4.1**.

**723.16.5.** If a taxpayer has exhausted his local remedies as provided above, the taxpayer may request a state hearing on such deficiency notice or claim for refund, and such request shall be made and such hearing shall be conducted in the same manner as set forth in C.R.S. 29-2-106.1(3) through (7), as amended.

**723.16.6.** If the deficiency notice or claim for refund involves only the Town, in lieu of requesting a state hearing, the taxpayer may appeal such deficiency notice or denial of a claim for refund to the Lincoln County District Court as provided in C.R.S. 29-2-106.1(8), as amended, provided that the taxpayer complies with the provisions set forth in Section **723.16.4**.

**723.16.7.** If the Town reasonably finds that the collection of the use tax will be jeopardized by delay, the Town may utilize the procedures set forth in C.R.S. 39-21-111, as amended.

**723.17. ELECTION.** Before the sales and use taxes levied by this code shall become effective, they shall be

submitted to and receive the approval of a majority of the qualified electors of Limon voting at a special election which shall be held solely for that purpose on the 29th day of August, 1978.

**723.18. AMENDMENTS.** The Board of Trustees of Limon may amend, alter or change this code, except as to the two percent (2%) rate of sales and use taxes herein imposed, subsequent to its adoption. Such amendment, alteration, or change need not be submitted to the qualified electors of Limon for their approval.

**723.19. PENALTY FOR VIOLATION.** Any person convicted of violating any of the provisions of this code shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each day of the offense. Further, the Town may impose and record such liens against the property and/or taxpayer as allowed by the laws of the State of Colorado.

(Amended January 2, 1997 by Ordinance No. 411)

**723.20. EFFECTIVE DATE OF SALE AND USE TAXES.** Upon adoption of this code and subsequent approval of these sales and use taxes by the qualified electors of Limon these sales and use taxes shall apply to all retail sales, unless exempt, made on or after January 1, 1979.



**730 - Alcoholic Beverages**

HISTORY: Adopted May 4, 1978 by Ordinance No. 250; amended by Ordinance No. 591 on April 7, 2016.

**730.1.** Pursuant to C.R.S. Section 12-47-505, as amended, each application for a license to sell fermented malt beverages under the Colorado Liquor Code and Colorado Liquor Rules, as amended, filed with the Town of Limon, shall be accompanied by a non-reimbursable application fee payable to the Town of Limon in the following amount:

**730.1.1.** For a new license, Three Hundred Fifty Dollars (\$350.00);

**730.1.2.** For a transfer of location of ownership of a license, One Hundred Fifty Dollars (\$150.00); and

**730.1.3.** For a renewal of a license, Fifty Dollars (\$50.00).

**730.2.** Pursuant to Section 12-47-135, C.R.S. 1973, as amended, each application for a license to sell alcoholic liquors under the Colorado Liquor Code, C.R.S. 1973 Sections 12-47-101, et seq., as amended, filed with the Town of Limon shall be accompanied by a non-reimbursable application fee payable to the Town of Limon in the following amount:

**730.2.1.** For a new license, Three Hundred Fifty Dollars (\$350.00);

**730.2.2.** For a transfer of location or ownership of a license, One Hundred Fifty Dollars (\$150.00); and

**730.2.3.** For the renewal of a license, Fifty Dollars (\$50.00).

**730.3.** The Town Clerk is hereby empowered and directed to collect said application fee at the time any such license application is presented for filing. Any such license application not accompanied by the correct application fee shall not be accepted for filing.



**731 – Hotel and Restaurant License**

Deleted in its entirety by Ordinance No. 591 on April 7, 2016.



**732 - Prohibition of the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities or Retail Marijuana Stores**

(Added by Ordinance No. 562 on March 7, 2013.)

**732.1. Purpose and Prohibition.** The purpose of this ordinance is to promote the general public welfare and safety throughout the Town of Limon, Lincoln County, Colorado, and, as such, upon the passage of this ordinance, the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within the incorporated areas of the Town of Limon, Lincoln County, Colorado, shall be strictly prohibited.

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

**732.2.1. “Marijuana” Or “Marihuana”** means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. “marijuana” or “marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**732.2.2. “Marijuana Accessories”** means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

**732.2.3. “Marijuana Cultivation Facility”** means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

**732.2.4. “Marijuana Establishment”** means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

**732.2.5. “Marijuana Product Manufacturing Facility”** means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**732.2.6. “Marijuana Products”** means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

**732.2.7.** “Marijuana Testing Facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

**732.2.8.** “Medical Marijuana Center” means an entity licensed by a state agency to sell marijuana and marijuana products pursuant to section 14 of this article and the Colorado Medical Marijuana Code.

**732.2.9.** “Retail Marijuana Store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

**732.3. Enforcement.** This ordinance shall be enforced by the Town of Limon Police Department.

**732.4. Violation.** It shall be unlawful for any person to violate any provision of this ordinance. All violations of this ordinance shall be brought in the Limon Municipal Court.

**732.5. Disposition of Fines and Forfeitures.** Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasury of the Town of Limon. The fine for a first offense and for any subsequent offense shall be up to five hundred dollars (\$ 500.00) per violation and each day shall be deemed a separate violation.

**732.6. Surcharges.** In addition to the fines and penalties prescribed in this ordinance, any person convicted of a violation of this ordinance shall be subject to the statutory surcharges as may be adopted and imposed by the Limon Municipal Court. These surcharges shall be paid to the Municipal Court Clerk by each person convicted of violating this ordinance.

**732.7. Scope.** This ordinance shall apply within the incorporated Town of Limon. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.



**740 - Licensing**

**741 - Building Contractors**

HISTORY: Added by Ordinance No. 343, June 11, 1990; Deleted in its Entirety by Ordinance No. 404, October 3, 1996.



**750 - Franchises**

**751 - Franchise Application Fee**

HISTORY: Added by Ordinance No. 364, November 5, 1992; amended by Ordinance No. 591 on April 7, 2016.

**751.1. APPLICATION FEE.**

At the time of making an application for a franchise within Limon, or at the time of applying for a renewal or transfer of an existing franchise, the franchisee shall make a partial payment of the franchise application fee to the Town of Limon in the amount of \$2,000.00.

**751.2. RECORD OF TOWN EXPENSES.** From the time of the initial franchise application, through franchise negotiations, and up to and including the time that a new franchise or franchise renewal or transfer takes effect, the Town shall maintain accurate records of all expenses incurred, including but not limited to staff costs, consulting fees, publication fees, legal fees, election expenses, and any other expenses related to the franchising process.

**751.3. NOTIFICATION TO FRANCHISEE OF FINAL APPLICATION COSTS.** Within thirty days after the effective date of the franchise code, or thirty days after the termination of franchise negotiations, the Town of Limon shall send to the franchisee, by certified mail, return receipt requested, an accounting which shall contain an itemization of all costs incurred by the Town of Limon as set forth in Section **751.2.**

**751.4. FINAL PAYMENT OF APPLICATION FEE.** In the event the costs incurred by the Town as set forth in Section **751.3.**, are less than the franchisee's initial \$2,000.00 payment, the Town shall refund the difference to the franchisee, which shall be mailed with the accounting. Should the costs incurred by the Town of Limon exceed the initial payment made by the franchisee, the franchisee shall be required to pay the difference to the Town of Limon within thirty days of the

receipt of the accounting, which payment shall constitute the final installment of the franchise application fee.

**751.5. FAILURE TO PAY.** Any franchise agreement entered into by the Town of Limon shall contain a provision acknowledging that a franchisee's failure to pay the franchise application fee as set forth in this code shall constitute a material breach of the terms of the franchise agreement.

**751.6. REVIEW OF FRANCHISE APPLICATION FEE.**

**751.6.1. Request for Review.** If the franchisee disputes the reasonableness of the franchise application fee, it may seek review of the charges by filing a protest with the Town Board of Trustees within thirty days of the franchisee's receipt of the accounting statement.

**751.6.2. Hearing Procedure.** In the event a protest is filed, the Town Board of Trustees shall appoint a disinterested individual to serve as a hearing officer. The hearing officer shall schedule a hearing date not less than thirty and not more than sixty days from the date of his appointment, and shall notify both the Town of Limon and the franchisee of the hearing date by certified mail, return receipt requested. Notice must be mailed no less than twenty days prior to the hearing date. At the hearing, the franchisee shall bear the burden of proving that any charges are unreasonable, and may present evidence regarding the reasonableness of the charges. The Town of Limon may respond to any allegations of unreasonableness.

**751.6.3. Purpose of Hearing.** The hearing shall be for the purpose of considering protest as to the reasonableness of the Town's incurred expenses in the franchising process. The hearing officer is not authorized to consider evidence challenging the Town's decision to incur the costs charged.

**751.6.4. Evidence.** Evidence may be received in the form of documents, exhibits and testimony from witnesses. The hearing officer shall have all powers necessary to insure the fair and efficient conduct of the hearing but shall not be bound by the Colorado Rules of Evidence. All hearings shall be open to the public.

**751.6.5. Decision.** The hearing officer may recommend approval of the charges, or recommend alterations of any charges based upon the evidence presented. The Town Board of Trustees at its next regularly scheduled meeting, shall either approve or reject the recommendation of the hearing officer. Any action of the Town Board of Trustees is final, and any payment determined to be due must be made to the

Town within seven days. Nonpayment constitutes a material breach of the terms of the franchise.

**751.6.6. Costs.** The Town and the franchisee shall share equally in the costs of the hearing. The franchisee's share of the costs shall be included in the final determination of charges due made by the Town Board of Trustees.

**751.7. CHALLENGE TO ORDINANCE/ATTORNEY'S FEES.** In the event that any legal action is brought to challenge the validity, legality, or constitutionality of this code, the Town shall recover from any unsuccessful party as part of the costs of the action, all costs incurred, including reasonable attorney's fees, in such litigation.



**752 – Natural Gas Franchise  
– Black Hills Colorado Gas Utility Co LP**

**HISTORY:** Created by Ordinance No. 199, April 6, 1967. Ordinance No. 318, November 6, 1986 repealed and replaced Ordinance No. 199; Amended April 5, 2007 by Ordinance No. 519 – Franchise Term for 25 years – Term ends April 5, 2030; Black Hills Energy was an Assignee/Transferee as of April 5, 2007.

**752.1. FRANCHISE GRANTED.** The Board of Trustees of Limon, Colorado, (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Aquila, Inc., d/b/a Aquila Networks, a Delaware corporation (transferred to Black Hills Colorado Gas Utility Co LP) (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

**752.2. ASSIGNMENT/TRANSFER.**

**752.2.1.** In this franchise agreement, the following words have the meanings indicated:

**752.2.1.1. Control:** actual working control in whatever manner exercised. Control includes, but may not necessarily require majority stock ownership.

**752.2.1.2. Proposed transferee:** a proposed purchaser, transferee, lessee, assignee or person acquiring ownership or control of the Franchise or the Grantee.

**752.2.2.** Prior to an assignment or transfer, either party may request a proposed transferee to indicate whether it:

**752.2.2.1.** Has ever been convicted or held liable for acts involving deceit including any violation of federal, state or local law or regulations during the five years prior to the request, or is currently under an indictment, investigation or complaint charging such acts;

**752.2.2.2.** Has ever had a judgment in an action for fraud, deceit or misrepresentation entered against the proposed transferee by any court of competent jurisdiction during the five years prior to the request;

**752.2.2.3.** Has pending any legal claim, lawsuit or administrative proceeding arising out of or involving a natural gas distribution and/or supply system whereby the proposed transferee's potential liability exceeds \$75,000.00; or

**752.2.2.4.** Is financially solvent, by submitting supporting financial data.

**752.2.3.** The consent or approval of the Grantor to any transfer by the Grantee does not constitute a waiver or release of the rights of the Grantor in or to its public rights-of-way easements and any transfer shall by its own terms be expressly subject to the terms and conditions of this Franchise Agreement.

**752.2.4.** Notwithstanding anything contained in this Agreement, Grantee may pledge or hypothecate the assets of its natural gas distribution and/or supply system (including this franchise) for the purposes of financing without the consent of the Grantor; provided however that no other entity shall be deemed to have authority to operate a natural gas distribution and/or supply system within the Franchise Area, unless authorized by both parties hereto.

**752.3. TERM.** The rights and privileges granted hereunder shall remain in effect for a period of twenty-five (25) years from the effective date of this code.

**752.4. FRANCHISE FEES OR TAXES.**

**752.4.1.** In exchange for the franchise granted herein, Grantee shall collect from its residential and commercial customers, but not from the Town of Limon, Colorado, located within the corporate limits of Grantor, and pay to Grantor an amount equal to four percent (4%) of gross receipts derived from the sale, distribution or transportation of natural gas delivered within the present or future limits of Grantor. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. In consideration of said grant and as compensation for the use and occupancy of the streets, alleys, and public grounds, Grantee shall make a report of gross receipts and shall pay, as a franchise fee, into the treasury of said Town, quarterly, an amount equal to four percent (4%) of Grantee's gross receipts from the sale of natural gas to domestic and commercial consumers in the Town. The amount paid by Grantee shall be in lieu of, and Grantee shall be exempt from, all other occupation, license, excise or right-of-way permit fees or taxes which the Town may impose for the rights and privileges herein granted for the privilege of doing business within the Town, and in the event any such fee, charge, license, tax or assessment shall be imposed by the Town, the payment to be made in accordance with the provisions of this section shall be reduced in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Grantee. Ad valorem property taxes imposed generally upon all real and personal property within the Town shall not be deemed to affect the obligation of the Grantee under this section.

**752.4.2.** Any consideration hereunder shall be reported and paid to Grantor by Grantee on a quarterly basis. Such payment shall be made not more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of the term of this code.

**752.4.3.** If at any time the Colorado Public Utilities Commission or other authority having proper jurisdiction, prohibits such recovery, then the parties shall within thirty (30) days of the effective date of any such ruling mutually determine a satisfactory and equitable means of compensating the Grantor for the Grantee's use of its streets, alleys, and public grounds. Should the parties fail to come to a mutually acceptable agreement as to the

compensation to be paid to the Grantor, the parties agree to submit the question of compensation to an arbitrator of the parties joint choosing, such arbitration to be completed within thirty days of submittal and the result thereof to be binding upon the parties subject to the non-exclusive nature of this agreement. In addition, the Company may petition or request the Grantor to discount or reduce the fee payable for natural gas delivered to a specific customer of Company when it is required to reduce the fee to retain the business of that customer. Modification or reduction of the fee could occur if the fee would cause the customer to cease purchase or transportation deliveries of natural gas from the Company by installing equipment to access natural gas supply not subject to the Town's fee. The Grantor shall not unreasonably withhold its agreement to the requested discount or reduction of the fee and the parties shall mutually work together in such instance to further the interests of both the Grantor and the Grantee whenever possible.

**752.4.4.** Grantor shall provide copies of annexation ordinances to Grantee on a timely basis to ensure appropriate franchise fee collection from customers within the corporate limits of Grantor.

**752.4.5.** Grantor shall have access to and the right to examine during normal business hours, those of Grantee's books, receipts, files, records and documents that are necessary to verify the correctness of payments due hereunder. If it is determined that a mistake was made in the payment of any fee required hereunder, such mistake shall be corrected promptly upon discovery, such that any under-payment by Grantee shall be paid within 30 days of the recalculation and any over-payment by Grantee shall be discounted from the next payment(s) due.

#### **752.5. GOVERNING RULES AND REGULATIONS.**

The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall

renegotiate the terms of this code in accordance with the action taken so as to allow Grantee to be made economically whole. In determining the rights and duties of the Grantee, the terms of this code shall take precedence over any conflicting terms or requirements contained in any other ordinance or code enacted by the Grantor.

#### **752.6. PROVISION FOR INADEQUATE ENERGY**

**SUPPLIES.** If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or the supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

#### **752.7. CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.**

**752.7.1.** Any pavements, sidewalks or curbing or other improvements in the public right-of-way taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

**752.7.2.** Grantee agrees that for the term of this franchise it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance or code, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

**752.7.3.** Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is

involved, the order in which the work is to proceed. The notice shall be given to the Grantee a sufficient length of time in advance of the actual commencement of the work, considering reasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

**752.8. EXTENSION OF GRANTEE’S FACILITIES.**

Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria and the other factors set forth herein, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor, acknowledging the Grantor’s preference that all of the Grantor’s residents have access to the Grantee’s service, whenever practicable. The Grantee acknowledges that in the extension of Grantee’s facilities or in Grantee’s unilateral improvement or relocation of its facilities, the Grantee will give the Grantor reasonable notice of plans for such extension, improvement, or relocation. The notice shall contain the nature and character of the extension, improvement, or relocation, the proposed time that the Grantee will start the work, and other pertinent information either required by the Grantor’s codes and ordinances, or deemed necessary by the Grantor in the administration of Grantor’s streets, alleys, public ways, and other infrastructure. Grantee will comply with all of Grantor’s applicable codes and ordinances relative to land use.

**752.9. RELOCATION OF GRANTEE’S FACILITIES.**

**752.9.1.** If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference and is not merely for the convenience of the Grantor. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and is not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. Grantor shall also provide a reasonable alternative location for Grantee’s facilities. Grantor shall give Grantee written notice of an order or request to

vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it receives the reasonable cost of relocating the same and Grantor provides a reasonable alternative location for such facilities.

**752.9.2.** Any person or corporation desiring to move a building or other structure along, or to make any unusual use of, any street, alley, avenue, bridge, public right-of-way or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee and a pay a sum sufficient to cover the expense of moving Grantee’s facilities and equipment in such location, and any damages incident thereto.

**752.10. CONFIDENTIAL INFORMATION.** Grantor acknowledges that certain information it might request from Grantee pursuant to this code may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

**752.11. FORCE MAJEURE.** It shall not be a breach or default under this code if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: (1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; (2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; (3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, code, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this

provision shall not obligate a party to settle any labor strike.

#### **752.12. HOLD HARMLESS.**

**752.12.1.** Each party hereto (the “Indemnifying Party”) shall, at its sole cost and expense, indemnify, hold harmless, release and defend the other party (the “Indemnified Party”), its officials, boards, commissions, employees and agents from and against any and all liability, loss, claims, suits, judgments, reasonable costs and attorneys’ fees, and damages of any kind alleged by a claimant against the Indemnifying Party that arises out of the Indemnifying Party’s negligence in performing its obligations under this Franchise.

**752.12.2.** If a claim arises, the Indemnified Party shall tender the defense of the claim to the Indemnifying Party. The Indemnified Party may participate in the defense of a claim at the expense of the Indemnifying Party. The Indemnifying Party may in its sole discretion settle any claims affecting the Indemnified Party without the latter’s approval or the Indemnifying Party may relieve itself of all duty to defend and indemnify the Indemnified Party by paying to the Indemnified Party that sum which the claimant has offered to accept and which the Indemnifying Party would have paid but for the Indemnified Party’s objection.

**752.12.3.** The Indemnifying Party is not required to indemnify the Indemnified Party for the unlawful activities, gross negligence or willful misconduct or ultra vires acts on the part of the Indemnifying Party’s officials, boards, commissions, agents or employees, nor for their actions contrary to statutory or constitutional law.

**752.12.4.** The fact that the Grantee carries out any activities under the Franchise through independent contractors does not constitute an avoidance of or defense to its duty of defense and indemnification under this section. Notwithstanding anything contained herein, Grantee and such independent contractor shall not be considered partners, agents or joint employers.

**752.13. INSURANCE.** Grantee shall maintain insurance at all times during the term of this franchise and any extensions hereof in an adequate amount to cover and protect itself and others to whom Grantee may be held legally liable in the performance of its duties. Grantee shall upon request provide Grantor with a certificate of insurance evidencing such coverage and naming Grantor as an additional insured thereunder. All insurance carriers providing the coverage described in this section shall be fully licensed to offer insurance in the State of Colorado.

**752.14. PROCEDURE FOR REMEDYING VIOLATIONS TO FRANCHISE.** If either party asserts that the other is in default in the performance of a material obligation under this Franchise or has practiced deceit or fraud, the complaining party must, within 90 days of the date it discovers such default, notify the other party in writing of the nature of the default and the desired remedy. The notice shall be served in the manner provided under the laws of Colorado for the service of original notices in civil actions. The defaulting party shall have a reasonable amount of time, pursuant to applicable state law, but in no event more than 120 days after service of the notice, to cure the default, resolve any disputes with respect thereto, or agree to amend or terminate this Ordinance/code/ franchise. If the default is not resolved within the 120-day period, the parties may seek all remedies available at law, including, but not limited to, non-binding arbitration, mediation or litigation.

#### **752.15. PROCEDURES IN EVENT OF TERMINATION.**

**752.15.1.** If this Agreement expires without renewal or is otherwise lawfully terminated, the Grantor may, subject to applicable law:

**752.15.1.1.** Allow the Grantee to maintain and operate its natural gas distribution and supply system on a month-to-month or short-term extension of this Agreement; or

**752.15.1.2.** Order the removal of the aboveground system facilities from the franchise area within a reasonable period of time as determined by the Grantor.

**752.15.2.** In any event, upon termination of this Franchise, Grantee shall be given a reasonable amount of time to remove its plant, structures and equipment, and in so doing, the Grantee shall refill, at its own expense, any excavation that is made by it and shall leave all streets and public places in as good a condition as that prevailing prior to the Grantee’s removal of its equipment. The indemnification and insurance provisions shall remain in full force and effect during the period of removal.

**752.15.3.** If the Grantee fails to complete any removal required by this section, or any work required by law within one-hundred-twenty (120) days after receipt of written notice or termination of this Franchise, as the case may be, the Grantor may cause the work to be done and the Grantee shall reimburse the Grantor for the reasonable costs incurred within thirty (30) days after receipt of an itemized list of the costs.

**752.15.4.** The Grantor may seek legal and equitable relief to enforce the provisions of this section.

**752.16. RECEIVERSHIP AND FORECLOSURE.**

**752.16.1.** At the option of the Grantor, subject to applicable law, this Agreement may be revoked one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

**752.16.1.1.** The receivership or trusteeship is vacated within one hundred twenty (120) days after such appointment; or

**752.16.1.2.** The receivers or trustees have, within one hundred twenty (120) days after their appointment, fully complied with all the terms and provisions of this Agreement, and have remedied all defaults under the Agreement. Additionally, the receivers or trustees shall have executed an agreement duly approved by the court having jurisdiction, by which the receivers or trustees assume and agree to be bound by each and every term, provision and limitation of this Agreement.

**752.16.2.** If there is a foreclosure or other involuntary sale of the whole or any part of the plant, property and equipment of the Grantee, the Grantor may serve notice of revocation on the Grantee and to the purchaser at the sale, and the rights and privileges of the Grantee under this Agreement shall be revoked thirty (30) days after service of such notice, unless:

**752.16.2.1.** The Grantor has approved the transfer of the Franchise, in the manner provided herein; and

**752.16.2.2.** The purchaser has covenanted and agreed with the Grantor to assume and be bound by all of the terms and conditions of this Agreement.

**752.17. NON-ENFORCEMENT BY GRANTOR.**

Grantee is not relieved of its obligation to comply with any of the provisions of this Agreement or the franchise ordinance/ code by reason of any failure of the Grantor to enforce prompt compliance. Grantor's forbearance or failure to enforce the provisions of this Agreement shall not serve as a basis to stop any subsequent enforcement.

**752.18. SUCCESSORS AND ASSIGNS.**

**752.18.1.** All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained,

and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

**752.18.2.** Neither party may assign this franchise without the prior written consent of the other party, which consent may not be unreasonably withheld and which, the parties acknowledge, is subject to state law; provided, however, that the Grantee may assign this franchise, without the Grantor's consent, to: (a) an affiliate of Grantee (which shall include any person or entity that, directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with Grantee); (b) any person or entity with which Grantee is merged or consolidated; (c) any person or entity which acquires a substantial part of the Grantee's assets; or (d) any person or entity to which Grantee has assigned, transferred or pledged its rights or interests under this franchise for a mortgage or otherwise as security for indebtedness. Upon the assignment of this franchise to an assignee referred to in clause (a) or (c) above and such assignee's delivery to the Grantor of a writing agreeing to assume Grantee's obligations, Grantee shall be relieved of all further liability hereunder. Nothing in this section shall restrict the right of a mortgagee or other debtor of Grantee, or a purchaser upon foreclosure sale, to operate the franchise, subject to the Grantor's consent as set forth herein, and subject to the terms contained herein and any provisions with respect to this franchise contained in the Grantor's Ordinances, Codes, standards, policies, and regulations as adopted by the Grantor during the terms of the franchise agreement or as empowered by applicable state statute.

**752.19. NO THIRD PARTY BENEFICIARIES.** This code constitutes a franchise agreement between the Grantor and Grantee. No provision of this code shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

**752.20. SEVERABILITY.** If any section, subsection, paragraph, term or provision of this Agreement is determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction thereof, such determination shall have no effect on the validity of any other section, subsection, paragraph term or provision of this Agreement, all of which will remain in full force and effect for the term of the Agreement, or any renewal or renewals thereof.

**752.21. NON WAIVER.** Any waiver of any obligation or default under this code shall not be construed as a

waiver of any future defaults, whether of like or different character.

**752.22. REPEAL CONFLICTING ORDINANCES.** This code, shall constitute the entire agreement between the Grantor and the Grantee relating to the franchise granted by Grantor hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances/codes or parts of ordinances/codes in conflict herewith are hereby repealed. Ordinance No. 318 of the Town of Limon, Colorado, is hereby repealed as of the effective date hereof.

**752.23. EFFECT AND INTERPRETATION OF CODE.** The captions that precede each section of this code are for convenience and/or reference only and shall not be taken into consideration in the interpretation of any of the provisions of this code.



**753 - Mountain View Electric Association**

HISTORY: Added by Ordinance No. 361, June 4, 1992; Granted new Franchise Agreement with Ordinance No. 602 on September 7, 2017 – Franchise Agreement term for 25 years – End of term August 31, 2042.

**753.1. GRANT OF FRANCHISE**

**753.1.1. Grant of Franchise.** The Town of Limon, Colorado, hereafter referred to as "Town," hereby grants to Mountain View Electric Association, Inc., a Colorado corporation, hereafter referred to as "Company," for the period specified in, and subject to the conditions, terms and provisions contained in this Ordinance, a non-exclusive right to furnish, sell, transmit, and distribute electricity within the Town, to the Town, and to residents of the Town. Subject to the conditions, terms, and provisions contained in this Ordinance, the Town also hereby grants to the Company a non-exclusive right to acquire, construct, install, locate, maintain, operate, and extend into, within and through the Town all facilities reasonably necessary to furnish, sell, transmit, and distribute electricity within the Town and a non-exclusive right to make reasonable use of the streets and other public places as may be necessary to carry out the terms of this Ordinance.

**753.1.2. Exclusions.**

**753.1.2.1.** The Town retains the following rights in regard to this franchise:

**753.1.2.2.** To repeal the franchise for misuse, non-use, or failure of the Company to comply with the provisions hereof;

**753.1.2.3.** To require proper and adequate extension of plant, facilities, and service, and the maintenance thereof at the highest practicable standard;

**753.1.2.4.** To establish reasonable standards of service and quality to prevent against discrimination in service or rates;

**753.1.2.5.** To use, control, and regulate the use of Town streets, public easements, and other public places and the space above and beneath them; and

**753.1.2.6.** To impose such other regulations as may be determined by the Town Board of Trustees to be conducive to the health, safety, welfare, convenience, and accommodation of the public.

**753.1.3. Term of Franchise.** This Franchise shall be in full force and effect from and after its passage, approval, and publication, as by law required, provided that the Company has filed with the Town Clerk a written acceptance of the terms in a form approved by the Town Attorney within thirty days after said passage and approval. The base term of this franchise shall be for twenty-five years, beginning with the effective date of this Ordinance and expiring on August 31, 2042. The base term may be extended thereafter unless terminated by either party upon one year's written notice to the other party, provided, however, any extension is conditioned on the Company's satisfactorily performing all its obligations hereunder and provided, further, no extension shall extend the term of this franchise beyond December 31, 2043.

**753.2 PROVISION OF SERVICE**

**753.2.1.** Company shall furnish electrical energy within the corporate limits of the Town, to the Town, and to the inhabitants thereof, and to any person or persons or corporation doing business in that portion of the Town, at the applicable and effective rates and under the terms and conditions set forth in the rate schedules, standards for service, rules and regulations, and service connection and extension policies as approved by the Company's Board of Directors or as approved by any other competent authority having jurisdiction in the premises.

**753.2.2.** Company will from time to time during the term of this franchise make such enlargements and extensions of its electrical system as the business of the Company and the growth of the franchised area justify, in

accordance with its standards for service, rules and regulations, and service connection and extension policies for electric service concurrently in effect as approved by the Company's Board of Directors or as approved by any other competent authority having jurisdiction in the premises.

**753.2.3.** There is hereby granted to the Company the right, in accordance with the applicable National Electrical Safety Code, the privilege and authority to locate, build, construct, acquire, purchase, extend, maintain, and operate into, within, and through the Town all necessary, needful and convenient poles, pole lines, posts, wires, transformers, guy posts and guy wires, apparatus, appliances and works, for the purchase, generation, transmission, and distribution of electrical energy, with the right and privileges for the period and upon the terms and conditions hereinafter specified to furnish, sell, and distribute said electrical energy to the Town, and the inhabitants thereof, for light, heat, and power or other purposes by means of conduits, cables, poles with wires strung thereon, or otherwise, on, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, and other public ways and places of the Town and on, over, under, along, across and through any extension, connection with or continuation of the same and/or on, over, along, under, across, and through any and all such new streets, alleys, viaducts, bridges, roads, lanes, and other public ways and places as may be hereafter laid out, opened, located, or constructed within the territory now or hereafter included in the boundaries of the Town. All poles, pole lines, posts, wires, transformers, guideposts and guidewires, apparatus, appliances and works, conduits, plants, substations, or other materials or objects pertaining thereto, used or placed by the Company within the Town shall be and remain the property of the Company unless conveyed under separate agreement.

**753.2.4.** Company is further granted the right, privilege, and authority to excavate in, occupy, and use any and all streets, alleys, viaducts, bridges, roads, lanes, and other public ways and places under the supervision of the properly constituted authority of the Town (hereinafter referred to as "Town Right-of-Way") for the purpose of bringing electrical energy into, within, and through the Town and supplying electrical energy to the Town and the inhabitants thereof and in Company's territory located outside the Town, and further to trim or cut down such trees and shrubbery and to control the growth of same by chemical means, machinery, or otherwise, as may be reasonably necessary to effect said purpose or purposes, provided, however, that the Company shall so locate its plants, substations, works, transmissions and distribution structures, lines,

equipment, and conduits within the Town as to cause minimum interference with the proper use of streets, alleys, and other public ways and places. Company shall also recognize the rights and reasonable convenience of property for owners whose property adjoins any of said streets, alleys, or other public ways and places as they are conveyed to the Company prior to placement of its facilities. Should it become necessary for the Company, in exercising its rights and performing its duties hereunder, to interfere with any sidewalk, pavement, water main, sewer, or any other public or private improvement, the Company shall repair or cause to be repaired and restored to its original condition such sidewalk, graveled or paved street, road, alley, water main, sewer, or other public or private improvement after the installation of its poles, conduits, or other structures.

**753.2.5.** Notwithstanding any provision of law to the contrary, if at any time during the term of this Franchise it shall be necessary to change the position of any pole, conduit, or service connection of the Company located in a Town Right-of-Way (including the undergrounding thereof) to permit the Town to lay, make or change street grades, pavements, sewers, water mains, or to accommodate street widening projects or other Town work constituting an exercise of the Town's police power, such changes shall be made by the Company at its own expense. Company hereby waives any rights it may have now or during the term of this Franchise that may differ from the obligation to relocate or underground electric facilities located in a Town Right-of-Way as set forth herein at the Company's sole expense, except as provided in C.R.S. 40-9.5-117. Notwithstanding the provisions of C.R.S. 40-9.5-117, before exercising its rights thereunder, the Company shall consult with the Town in an effort to reach agreement on whether the costs of undergrounding will be paid by the Town in lieu of imposing any surcharge under the statute.

**753.2.6.** The Town shall have the right, without cost and after notice to Company, to use all poles of the Company within said Town for the purpose of stringing wires thereon for its fire alarm and police signal systems; provided, however that the installations meet the requirements of the National Electrical Safety Code and height standards of the Company, and provided further, that the Company assumes and shall be subject to no liability and shall be subject to no additional expenses in connection therewith, It is further provided that the use of said poles by said Town shall not interfere in any unreasonable manner with the Company's use of same. The Company shall have the right to make such use of its poles and other property, other than the uses contemplated in this ordinance as it deems proper so long as such other use does not interfere with the supplying of electrical energy.

**753.2.7.** Company, from time to time, may promulgate such rules, regulations, terms, and conditions governing the conduct of its business, including the utilization of electrical energy and payment therefore, and the interference with, or alteration of any of the Company's property upon the premises of its customer, as shall be necessary to ensure continuous service to each and all of its customers and the proper measurement thereof and payment therefore.

**753.2.8.** The Company shall at all times during the period of this franchise maintain an office in the Town of Limon.

**753.3. FINANCIAL RESPONSIBILITY.** At the time of the execution of this Ordinance, and from time to time at the Town's request, the Company shall provide the Town with proof of its ability to meet its obligations under this Ordinance. This proof may take the form of insurance coverage. The Company shall supply the Town with a list of its insurance companies with the types of coverage and levels of insurance then in effect. Said list shall be kept current by annual revisions as of January 1 during the term of the franchise. Nothing herein contained shall create any right in any third party or cause the Town to be liable to any party for a failure to so act.

**753.4. INDEMNIFICATION.** Company shall hold the Town harmless and indemnify it from all liability claims, demands, judgments, litigation, suits or damage and all reasonable expenses, to include, but not be limited to, reasonable attorney fees, necessarily accruing against the Town arising or resulting from the negligent exercise by the Company of any of the rights and privileges hereby granted; provided, that the Company shall have had notice of the pendency of any action against the Town arising out of such exercise by the Company of said rights and privileges and be permitted at its own expense to appear and defend or assist in the defense of the same. None of the Town's damages or expenses reimbursed by the Company under this section shall be surcharged solely to the residents of the Town.

**753.5. BREACH OF CONTRACT.** This franchise constitutes a valid and binding contract between Company and Town. If the Company shall be in default in the performance of any of the terms and conditions of this Ordinance and shall continue in default for more than thirty days after receiving notice from the Board of Trustees of the Town of such default, the Town shall have a breach of contract claim against the Company, in addition to any other rights provided by the constitution or statutes of the State of Colorado and the Board of Trustees may, by Ordinance duly passed and adopted, terminate all rights granted under this Ordinance to the

Company. The notice of default shall specify the provision or provisions in default. Said notice shall be in writing and shall be served in the manner provided by the laws of Colorado for the service of original notices in civil actions. The parties agree that if there is a dispute as to whether or not there has been a breach of this contract, the parties will present that issue to binding arbitration, which shall be conducted within thirty days and which shall be conducted by a three-person arbitration panel consisting of one arbiter selected by each of the parties, and a third arbiter shall be selected by the two other arbiters. If the panel is not selected within ten days of the demand for arbitration, either party may ask the District Court for Lincoln County to name a third arbiter, and those three shall, within thirty days, determine the issue of whether or not there has been a breach, which shall be binding on both parties.

### **753.6 FRANCHISE FEE.**

**753.6.1. Franchise Fee.** In consideration for the grant of this franchise, the Company shall pay the Town a sum equal to three percent (3%) of Gross Revenue received from the sale of electricity within the Town. So long as the Company performs its obligations under this Ordinance, including payment of the franchise fee, the Company will be exempt from the payment of any license fees or charges to the Town; but payment of the franchise fee does not exempt the Company from any lawful taxation upon its property from sales and use taxes, property taxes, excavation permit fees and building permit charges, and from fees and charges for excavating for or construction of underground or overhead facilities that are uniform and generally applicable to contractors performing similar work. Gross Revenue from the sale of electricity shall be defined as revenue received by the Company as a result of applying a rate schedule to a service, including facility charges, energy charges and demand charges, but not including deposits, taxes, late charges or similar charges. All amounts paid to the Company by the Town or any of its departments for electric service shall be excluded from computation of the franchise fee.

**753.6.2. Payment Schedule.** Unless otherwise specifically provided herein, payment of the franchise fee and other charges accruing after the effective date of this Ordinance shall be made in quarterly installments not more than thirty days following the close of the calendar quarter for which payment is to be made. Initial and final payments shall be prorated for the portions of the quarters at the beginning and end of the term of this Ordinance.

**753.6.3. Confirmation of Fee Calculations.** The Town shall provide copies of all annexation plats to the

Company within twenty-five days of the approval of the plats by the Town. The Company will provide with each quarterly franchise fee installment payment a detailed accounting of the calculation of the franchise fee in a manner and format mutually acceptable to the Company and the Town. Employees of the Company will meet with employees or agents of the Town at least once in each calendar year to review such plats and accountings and to reconcile any issues that might appear.

**753.6.4. Audit.** The Town Manager or other authorized Town representative shall have access to the books of the Company for the purpose of auditing or checking to insure that the franchise fee has been correctly computed and paid. Any late payment by the Company shall be subject to a late payment fee of 1 % per month and reimbursement of any costs incurred by the Town in enforcing collection.

**753.6.5. Change of Franchise Fee.** Once during each calendar year of the Franchise Term, the Town, upon giving thirty days' notice to the Company, may review and change the consideration to be paid by the Company under this Ordinance (the Franchise Fee).

**753.7. TOWN'S NEGOTIATION/REVIEW COSTS.** At the Town's option, the Company shall pay in advance or reimburse the Town for the Town's expenses incurred in negotiating and reviewing the franchise which may include but are not limited to the Town's expenses incurred in publication of notices, publication and codification of ordinances, photocopying of documents, legal costs arising from the negotiations and/or review of the franchise, long distance telephone charges, and other out-of-pocket expense arising from the negotiations. None of the Town expenses reimbursed by the Company hereunder shall be surcharged against the Town's ratepayers.

**753.8. GOVERNING LAW.** This Ordinance shall be governed and construed in accordance with the laws of the State of Colorado, and ordinances of the Town, all as now existing or as hereinafter amended. The venue shall be the District Court, Lincoln County, Colorado.

**753.9. JUDICIAL REVIEW.** Termination of the franchise under this Ordinance shall be subject to judicial review as provided by law in the District Court of Lincoln County, Colorado, or, if subject to federal jurisdiction, in the United States District Court for the District of Colorado.

**753.10. SEVERABILITY.** If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory, or legislative body having proper

jurisdiction, the remaining provisions shall not be affected.

**753.11. NON WAIVER.** Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

**753.12. TRANSFER OF FRANCHISE.** This franchise is subject to any limitations on transfers, lease, or assignment of franchises that are set forth in the Town's Ordinances. However, Company may assign or transfer this franchise to an affiliate or may pledge, mortgage, or otherwise assign its rights hereunder as security for indebtedness without further prior notice or approval. Any approval that may be required for a transfer, lease, or assignment shall not be unreasonably withheld.



**754 - Cable TV**

(Deleted in its entirety on April 7, 2016, by Ordinance No. 591.)



**760 – Adult Entertainment Establishments**

(Added January 6, 2005, by Ordinance No. 498.)

**760.1. PURPOSE.** The purpose and intent of this section is to regulate adult businesses, to promote the health, safety, morals and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such adult businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the First Amendment or the Colorado constitution, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

**760.2. DEFINITIONS:**

**760.2.1. ADULT ARCADE:** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**760.2.2. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE:** A commercial establishment which a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; b) receives a significant or substantial portion of its revenues from; or c) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions hereof are otherwise met.

**760.2.3. ADULT BUSINESS:** An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio. The definition of "adult businesses" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**760.2.4. ADULT CABARET:** A club, restaurant, "pop shop", or similar commercial establishment which features: a) persons who appear nude or in a state of nudity or semi-nude; b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**760.2.5. ADULT MOTEL:** A motel, hotel or similar commercial establishment which: a) offers public accommodations for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this adult type of material by means of a sign visible from the public right of way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television, or b) offers a sleeping room for rent for a period of time less than ten (10) hours; or c) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.

**760.2.6. ADULT MOTION PICTURE THEATER:** A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

**760.2.7. ADULT THEATER:** A theater, concert hall, auditorium or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities".

**760.2.8. EMPLOYEE:** A person who works or performs in and/or for an adult business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

**760.2.9. ESTABLISHMENT:** In regard to an adult business, means and includes any of the following:

**760.2.9.1.** The opening or commencement of any such business as a new business;

**760.2.9.2.** The conversion of an existing business into an adult business;

**760.2.9.3.** The addition of an adult business to any other existing adult business; or

**760.2.9.4.** The relocation of an adult business.

**760.2.10. LICENSING OFFICER:** The Town Clerk.

**760.2.11. MANAGER:** An operator, other than a licensee, who is employed by an adult business to act as

a manager or supervisor of employees or is otherwise responsible for the operation of the business.

**760.2.12. NUDE MODEL STUDIO:** Any place where a person, who appears in a state of nudity or displays "specified anatomical areas", is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.

**760.2.13. NUDITY OR STATE OF NUDITY:** a) The appearance of human bare buttocks, anus, male genitals, female genitals or the areola or nipple of the female breast; or b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

**760.2.14. OPERATOR:** Includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

**760.2.15. PEEP BOOTH:** A viewing room of less than one hundred fifty (150) square feet of floor space.

**760.2.16. PERMITTEE AND/OR LICENSEE:** A person in whose name a permit and/or license to operate an adult business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

**760.2.17. PERSON:** An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

**760.2.18. PREMISES OR PERMITTED OR LICENSED PREMISES:** Any premises that requires a license and/or permit and that is classified as an adult business.

**760.2.19. PRINCIPAL OWNER:** Any person owning, directly or beneficially, a) ten percent (10%) or more of a corporation's equity securities; b) ten percent (10%) or more of the membership interests in a limited liability company; or c) in the case of any other legal entity, ten percent (10%) or more of the ownership interests in the entity.

**760.2.20. PRIVATE ROOM:** A room in an adult motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.

**760.2.21. SEMINUDE:** A state of dress in which clothing covers no more than the genitals, pubic region,

and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

**760.2.22. SEXUAL ENCOUNTER ESTABLISHMENT:** A business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or seminude. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

**760.2.23. SEXUAL ORIENTED BUSINESS:** This term shall have the same meaning as an Adult Entertainment Establishment as regulated by this code.

**760.2.24. SPECIFIED ANATOMICAL AREAS:** (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or (B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**760.2.25. SPECIFIED CRIMINAL ACTS:** Sexual crimes against children, sexual abuse, rape or crimes connected with another adult business, including distribution of obscenity, prostitution, or pandering.

**760.2.26. SPECIFIED SEXUAL ACTIVITIES:** (A) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts; (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; (C) Masturbation, actual or simulated; or (D) Human genitals in a state of sexual stimulation, arousal or tumescence; (E) Excretory functions as part of or in connection with any of the activities set forth in subsections (A) through (D) of this definition.

**760.2.27. TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT BUSINESS;** (Means and includes any of the following):

**760.2.27.1.** The sale, lease or sublease of the business;

**760.2.27.2.** The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;

**760.2.27.3.** The establishment of a trust, management arrangement, gift or other similar legal devise which transfers ownership or control of the

business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

**760.3. LOCATION OF ADULT BUSINESSES; AMORTI-ZATION.**

**760.3.1.** It shall be unlawful to operate or cause to be operated any adult entertainment establishments, also known as sexually oriented businesses in any location in the town except as provided in the Land Development Code of the Town of Limon, Chapter II-Zoning, as amended.

**760.3.2** It shall be unlawful to operate or cause to be operated an adult entertainment establishment, also known as sexually oriented businesses within one thousand feet (1000') of:

**760.3.2.1.** A church;

**760.3.2.2.** A school or childcare facility;

**760.3.2.3.** A public park (not including trails);

**760.3.3.** It shall be unlawful to cause or permit the operation of an adult business within one thousand feet (1,000') of another adult entertainment establishment, also known as sexually oriented business. The distance between any such businesses and those businesses specified in section **760.3.2.** shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult business is located.

**760.3.4.** It shall be unlawful to cause or permit the operation or maintenance of more than one adult business in the same building, structure or portion thereof.

**760.3.5.** Any adult business lawfully operating on the effective date of this chapter that is in violation of sections **760.3.2.** through **760.3.4.** will be permitted to continue for a period six (6) months from the effective date hereof. However, the zoning administrator may grant an extension of time during which an adult business in violation of sections **760.3.2.** through **760.3.4.** will be permitted to continue upon a showing that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his/her initial financial investment in the business. An adult business in violation of sections **760.3.2.** through **760.3.4.** may continue during such extended period, unless the business is sooner

terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such business shall not be enlarged, extended or altered except that the business may be brought into compliance with this chapter. If two (2) or more adult businesses are within one thousand feet (1,000') of one another and otherwise in a permissible location, the adult business which was first established and continually operating at the particular location will be deemed to be in compliance with sections **760.3.2.** through **760.3.4.**, and the later established business(es) will be deemed to be in violation of sections **760.3.2.** through **760.3.4.**

**760.3.6.** An adult business lawfully operating is not rendered a nonconforming use by the subsequent location of a church, school, childcare facility, public park, residential district, or a residential lot within five hundred feet (500') of the adult business; however, if the adult business ceases operation for a period of one hundred eighty (180) days or more regardless of any intent to resume operation, it may not recommence operation in that location.

**760.4. LICENSE REQUIRED; FEE:**

**760.4.1.** No person shall conduct an adult business without first having obtained an annual adult business license.

**760.4.2.** Applicants for an annual adult business license shall pay a license fee of fifty dollars (\$50.00).

**760.4.3.** In the event an application for an adult business license is withdrawn or denied, the license fee shall not be refunded to the applicant.

**760.5. LICENSE APPLICATION:**

**760.5.1.** All applicants for an adult business license shall file an application for such license with the Town Clerk on forms to be provided by the Clerk. Each principal owner and all managers and employees shall be named in the application form.

**760.5.2.** The completed application shall contain the following information and shall be accompanied by the following documents:

**760.5.2.1.** If the applicant is:

**760.5.2.1.1.** An individual, the individual shall state his or her legal name and any aliases and shall submit satisfactory proof that he or she is eighteen (18) years of age;

**760.5.2.1.2.** A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

**760.5.2.1.3.** A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the state, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the state, the names and capacity of all officers, directors and principal owners, and the name of the registered corporate agent and the address of the registered office for service of process;

**760.5.2.1.4.** A limited liability company shall state its complete name, the date of filing of the articles of organization and operating agreement, the names of all managers and members.

**760.5.2.2.** Whether the applicant or any other individual listed under section **760.5.1.** had worked under or has had a previous adult business license under this chapter or other adult business or adult entertainment code or ordinance from another state, city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.

**760.5.2.3.** Whether the applicant or any other individual listed under section **760.5.1.** holds any other licenses under this chapter or other similar adult business code or ordinance from another municipality, county or state and, if so, the names and locations of such other permitted business.

**760.5.2.4.** The location of the proposed adult business, including a legal description of the property, street address and telephone number(s), if any.

**760.5.2.5.** Proof of the applicant's right to possession of the premises wherein the adult business is proposed to be conducted.

**760.5.2.6.** The applicant's, or any other individual's listed, pursuant to section **760.5.1.**, mailing address and residential address.

**760.5.2.7.** A photocopy of the driver's license or other government issued identification card for the individuals listed in section **760.5.1.**

**760.5.2.8.** A floor plan of the proposed licensed premises which specifies the location and dimensions of any manager's station and demonstrates that there is an

unobstructed view from at least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The proposed floor plan shall designate those rooms or other areas of the premises where patrons are not permitted and shall also designate the use of each room or other area of the premises. The proposed floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches ( $\pm 6''$ ). The diagram shall designate the place where the license will be conspicuously posted and the location of any proposed stage. A floor plan is not required of the licensed premises of an adult motion picture theater.

**760.5.2.9.** A current certificate drawing prepared, within thirty (30) days prior to the application, by a land surveyor depicting the property lines and the structures containing any adult business or massage parlor within one thousand feet (1,000') of the closest exterior wall of the structure in which the applicant's business is proposed to be located and depicting the property line of any church, school, childcare facility, public park, residential zone district or residential lot within five hundred feet (500') from the closest exterior wall of the structure in which the applicant's business is proposed to be located.

**760.5.2.10.** Whether the applicant or any of the other individuals listed pursuant to section **760.5.2.1.** have been convicted of a specified criminal act within the times set forth in section **760.8.** and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

**760.5.2.11.** Photographs (passport size or approximately 2 inches by 2 inches) and fingerprints of all principal owners and each manager, general partner and in the case of a corporate applicant, the president of the corporation.

**760.5.3.** If the applicant is an individual, he/she must sign the application for a license. If the applicant is a corporation it must be signed by the president or vice president and attested to by the secretary or assistant secretary. If the applicant is a general or limited partnership it must be signed by a general partner. If the applicant is a limited liability company it must be signed by the manager.

**760.5.4.** If an omission or error is discovered by the Town clerk, the application will be returned to the applicant for completion or correction without further action by the town clerk. Any application rejected due to an omission or error shall be refiled only when the

omission or error has been remedied. For the purposes of this chapter, the date the town clerk accepts an application which is complete shall be the date the application is filed with the Town clerk.

**760.5.5.** In the event that the Town clerk determines that the applicant has improperly completed the application, he/she shall promptly notify the applicant of such fact and allow the applicant thirty (30) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

**760.5.6.** Applicants for a license under this chapter shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the town clerk, shall be grounds for the suspension or revocation of an adult business license.

**760.6. APPLICATION FEE:** Each applicant for a new license or as specified in Section **760.12.1.**, whether an individual, partnership or corporation, shall pay an application fee of one hundred fifty dollars (\$150.00) at the time of the filing of an application. Such application fee shall be nonrefundable.

**760.7. INVESTIGATION.** On receipt of a properly completed application and the payment of the application and license fees, the Town clerk shall investigate the background of each individual applicant, employee, the partners of a partnership, or the officers, directors and holders of the stock of a corporation. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado department of public safety for each person who will be investigated. The investigation conducted by the clerk shall be sufficient to verify the accuracy of all the information required by section **760.5.** The clerk shall also transmit a request to the Town's zoning official for a report that the proposed location of such adult business complies with the locational requirements of this chapter. The zoning official shall issue such report within five (5) business days of transmission of the request. If the zoning official fails to issue the report as required, the Town clerk shall presume that the proposed location of the adult business complies with this chapter.

**760.8. APPROVAL/DENIAL OF LICENSE:**

**760.8.1.** The application of any applicant shall be approved or denied by the Town clerk within fourteen

(14) days of the date the application is filed with the Town clerk. The Town clerk shall deny a license if:

**760.8.1.1.** The applicant is under the age of eighteen (18) years;

**760.8.1.2.** The applicant has made a false statement upon the application or has given false information in connection with an application;

**760.8.1.3.** The applicant or any holder of any class of stock, or a director, officer, partner or principal of the applicant has had an adult business license revoked or suspended anywhere within the state within one year prior to the application;

**760.8.1.4.** The applicant has operated an adult business which has determined to be a public nuisance under state law or this code within one year prior to the application;

**760.8.1.5.** A corporate applicant is not in good standing or authorized to do business in the state; or

**760.8.1.6.** The applicant is overdue in the payment to the Town of taxes, fees, fines or penalties assessed against him/her or imposed against him/her in relation to an adult business;

**760.8.1.7.** The applicant has not obtained the required sales tax license;

**760.8.1.8.** The applicant has been convicted of a specified criminal act within the five (5) year period prior to the date the application is filed with the Town clerk.

**760.8.2.** In the event that the Town clerk denies a license, he/she shall make written findings of fact stating the reasons for the denial, and a copy of such decision shall be sent by first class mail to the address shown in the application. An applicant shall have the right to a hearing before the Municipal Judge as set forth in section **760.11.3.** A written request for such hearing shall be made to the Municipal Judge within ten (10) days of the date of the denial of the license by the Town clerk. This hearing shall be held within fourteen (14) days from the date a timely request for hearing is received by the Municipal Judge and shall follow all the relevant procedures set forth for a suspension or revocation of a license contained in Section **760.11.3.**

**760.8.2.1.** At the hearing referred to above, the Municipal Judge shall hear such statements and consider such evidence as the police department or other enforcement officers, the applicant or other party in

interest, or any other witness shall offer which is relevant to the denial of the license application by the Town clerk.

**760.8.2.2.** If the Municipal Judge determines that the applicant is ineligible for a license per section **760.8.1.**, he/she shall issue an order sustaining the Town clerk's denial of the application, within two (2) days after the hearing is concluded, based on findings of fact. A copy of the order shall be mailed to the applicant at the address supplied on the application.

**760.8.2.3.** The order of the Municipal Judge made pursuant to section **760.8.2.2.** shall be a final decision and may be appealed to the district court pursuant to Colorado rules of civil procedure 106(a)(4). Failure of an applicant to timely follow the limits specified above constitutes a waiver by him/her of any right he/she may otherwise have to contest the denial of his/her license application.

**760.8.3.** If any Town official or department fails to render a timely decision pursuant to the terms of this section then said official or department shall be deemed to have approved or consented to the issuance of the requested license.

**760.9. TERM OF LICENSE.** All licenses granted pursuant to this chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration shall be permitted.

**760.10. LICENSE RENEWAL.** Renewal of an existing license granted pursuant to this chapter may be had by payment of the annual licensing fee and filing of a renewal application with the Town clerk not less than forty five (45) days prior to the date of expiration. The Town clerk may waive, for good cause shown, this filing time requirement.

**760.11. SUSPENSION OR REVOCATION OF LICENSE:**

**760.11.1.** The Municipal Judge may suspend a license for a period not to exceed six (6) months or revoke any license granted pursuant to this chapter upon a finding of any of the following facts:

**760.11.1.1.** Repeated disturbances of the public peace have occurred within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within the neighborhood of the licensed

establishment involving patrons, employees or the licensee;

**760.11.1.2.** The licensee or any employees thereof have offered for sale or knowingly allowed to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics, dangerous drugs or fermented malt, malt, vinous or spirituous beverages;

**760.11.1.3.** The licensee or manager is not upon the licensed premises at all times that adult entertainment is being provided;

**760.11.1.4.** Adult entertainment was offered at the licensed establishment during hours prohibited by section **760.14.**;

**760.11.1.5.** The licensee, manager or employee has allowed or has done nothing to prevent patrons from engaging in public displays of indecency in violation of state law or has allowed patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds immediately adjacent to the licensed establishment, when the licensee, manager or employee knew or should have known such displays or acts were taking place;

**760.11.1.6.** The licensee or manager made a false statement or gave false information in connection with an application for a license or a renewal of a license;

**760.11.1.7.** The licensee, manager, or employee violated or permitted a violation of any provisions of this section **760** including the standards of conduct set forth in section **760.15.**;

**760.11.1.8.** The manager or the employee of the licensed establishment is under the age of eighteen (18) years;

**760.11.1.9.** The licensee, in the case of a corporation, is not in good standing or authorized to do business in the state;

**760.11.1.10.** The licensee or an employee knowingly operated any aspect or facilities of the adult business during a period of time when the adult business license was suspended;

**760.11.1.11.** The licensee is delinquent in the payment to the Town or state for any taxes or fees past due;

**760.11.1.12.** The licensee, manager or employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation, to occur within the licensed premises; or

**760.11.1.13.** The licensee, manager or employee has been convicted of a specified criminal act.

**760.11.2.** Nothing in this chapter shall prohibit the Town from taking any other enforcement action provided for by this code, the laws of the state, or of the United States.

**760.11.3.** A licensee shall be entitled to a hearing before the Municipal Judge if the Town seeks to suspend or revoke his/her license based on a violation of this chapter;

**760.11.3.1.** When there is probable cause to believe that a licensee has violated or permitted a violation of this chapter to occur in or near the licensed establishment, the police department may file a written complaint with Municipal Judge setting forth the circumstances of the violation.

**760.11.3.2.** Municipal Judge shall provide a copy of the complaint to the licensee, together with notice to appear before the Municipal Judge for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.

**760.11.3.3.** In such cases where specified criminal acts are in issue, the provisions of Colorado Revised Statutes section 24-5-101 shall control.

**760.11.3.4.** At the hearing referred to above, the Municipal Judge shall hear such statements and consider such evidence as the police department, or other enforcement officers, the owner, occupant, lessee or other party in interest, or any other witness shall offer which is relevant to the violation alleged in the complaint. The Municipal Judge shall make findings of fact from the statements and evidence offered as to whether the violation occurred in or near the licensed establishment. If the Municipal Judge determines that a violation did occur he/she shall issue an order suspending or revoking the license, within twenty (20) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.

**760.11.3.5.** The order of the Municipal Judge made pursuant to section **760.11.3.** shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4).

Failure of a licensee to timely appeal said order constitutes a waiver by him/her of any right he/she may otherwise have to contest the suspension or revocation of his/her license.

**760.11.3.6.** The Municipal Judge shall have the power to administer oaths, issue subpoenas and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing which the Municipal Judge conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Municipal Judge. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Upon failure of any witness to comply with such subpoena, the Town Attorney shall:

**760.11.3.6.1.** Petition any Judge of the Municipal Court of the Town, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the Court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of wilful failure to comply with such order of Court; or

**760.11.3.6.2.** Petition the appropriate District Court setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the Court, after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of Court.

**760.11.4.** In the event of suspension, revocation, or cessation of business, no portion of the license fee, application fee or investigative fee shall be refunded.

**760.11.5.** When the Municipal Judge revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult business license for one year from the date the revocation became effective.

**760.12. DISPLAY; TRANSFERABILITY; CHANGE OF OWNERSHIP:**

**760.12.1.** Any adult business license issued pursuant to the terms of this section **760** shall be prominently displayed at all times upon the premises for

which the license was issued in accordance with section **760.5.2.8.**

**760.12.2.** Licenses issued under this Chapter shall not be transferable except as provided herein. Any transfer of ownership or control by a licensee holding an adult business license shall result in termination of the license unless such licensee within thirty (30) days prior to any such transfer files a written notice of such transfer accompanied by the application fee and an investigation fee as required by Sections **760.6.** and **760.7.** Any such transfer shall be reported on forms provided by the Town Clerk and shall require the names of all new principal owners and any information as required by Section **760.5.** Approval or denial by the Town Clerk of such transfer shall be upon the same terms as provided for in this Chapter for the approval or denial of an adult business license.

**760.12.3.** When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.

**760.12.4.** Each license issued under this Chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific adult business and each geographical location.

**760.13. MANAGER; CHANGE OF MANAGER:**

**760.13.1.** A registered manager shall be on the premises of an adult business at all times that adult entertainment is being provided. It shall be unlawful for any person to work as a manager of an adult business without first registering with the Town Clerk. The registration form shall require the applicant to provide his/her legal name and any aliases, home address, telephone number and satisfactory proof that he is twenty one (21) years of age.

**760.13.2.** In the event a licensee changes the manager or any employees of an adult business, the licensee shall report such change and register the new manager or any employees on forms provided by the Town Clerk within ten (10) days of such change. Any new employee or manager shall pay the investigation fee specified in Section **760.7.** and shall be subject to approval or denial in accordance with the provisions of Section **760.8.**

**760.14. HOURS OF OPERATION.** It shall be unlawful for a sexually oriented business to be open for business or for the licensee or any employee of a licensee to allow patrons upon the licensed premises from twelve o'clock (12:00) midnight until eight o'clock (8:00) A.M.

**760.15. STANDARDS OF CONDUCT:**

**760.15.1.** The following standards of conduct must be adhered to by employees of any adult business which offers, conducts or maintains live adult entertainment:

**760.15.1.1. Clothing.** No employee or entertainer mingling with the patrons or serving food or beverages shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical area.

**760.15.1.2. Touching, Caressing, Fondling.** No employee or entertainer shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

**760.15.1.3. Simulation of Specified Areas.** No employee or entertainer shall wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

**760.15.1.4. Performance Standards.**

**760.15.1.4.1.** No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose any portion of the specified anatomical area except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one-fourth inch (1/4") thick and have no openings between the entertainer and any patrons. The stage shall be fixed and immovable.

**760.15.1.4.2.** No employee or entertainer shall perform while nude or seminude any obscene acts or obscene acts which simulate specified sexual activities.

**760.15.1.5. Use of Inanimate Objects:** No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.

**760.15.1.6. Menu.** There shall be posted and conspicuously displayed in every area offering adult entertainment a list of food and beverage prices.

**760.15.1.7. Alcohol and Liquor.** No adult entertainment use shall be located within any premises which is licensed for the retail sale of three and two-tenths percent (3.2%) beer, malt, vinous or spirituous liquor, as such terms are defined in title 12, articles 46 and 47 Colorado Revised Statutes.

**760.15.1.8. Consumption of Alcohol.** It shall be unlawful to permit the consumption of three and two-tenths percent (3.2%) beer or other alcoholic beverages within the same premises as an adult entertainment use.

**760.15.1.9. Tips.** Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the adult business and no tip may be handed directly to an entertainer. A licensee that desires to provide for such tips from its patrons shall establish one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.

**760.15.1.10. Tip Boxes.** An adult business that provides tip boxes shall conspicuously display in the common area of the premises one or more signs in letters at least one inch (1") high to read as follows:

**ADULT ENTERTAINMENT IS REGULATED  
BY THE TOWN OF LIMON**

*Any tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is prohibited by law. Violators face maximum penalties of \$1,000 and/or one year in jail.*

**760.15.1.11. Outside Visibility.** No adult entertainment occurring on the premises shall be visible at any time from outside of the premises.

**760.15.2.** Any licensee who offers, conducts, or maintains live adult entertainment or an adult arcade which exhibits in a peep booth, a film, videocassette or other video reproduction, shall comply with the following requirements in addition to those set forth in section **760.15.2.1.:**

**760.15.2.1.** It is the duty of the licensee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

**760.15.2.2.** It is the duty of the licensee and manager of the premises to ensure that any doors to public areas on the premises remain unlocked during business hours.

**760.15.2.3.** The interior of the premises shall be configured in such a manner that there is an

unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment or other forms of adult entertainment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's, stations. The view required in this subsection must be by direct line of sight from the manager's station. A manager's station may not exceed thirty two (32) square feet of floor area.

**760.15.2.4.** No alteration to the configuration or location of an adult business may be made without the prior written approval of the zoning official.

**760.15.2.5.** It shall be the duty of the licensee, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in section **760.2.3.** remains unobstructed by any doors, curtains, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the license application filed pursuant to this chapter.

**760.15.2.6.** No peep booth may be occupied by more than one person at any one time.

**760.15.2.7.** Peep booths must be separated from other peep booths by a solid, uninterrupted physical divider which is a minimum of one-fourth inch (1/4") thick and serves to prevent physical contact between patrons.

**760.16. AGE RESTRICTIONS.** Admission to adult businesses is restricted to persons of the age of eighteen (18) years or more.

**760.17. LIGHTING REQUIREMENTS:**

**760.17.1.** All off street parking areas and premises entries of adult businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on all parking surfaces and/or walkways. This required lighting level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

**760.17.2.** The premises of all adult businesses, except adult motion picture theaters, shall be equipped

with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two (2) foot-candles of light as measured at the floor level.

**760.17.3.** Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot-candle of light as measured at the floor level.

**760.18. RIGHT OF ENTRY.** The application for an adult business license shall constitute consent of the licensee and his/her agents or employees to permit the Town's police department or any other agent of the Town to conduct routine inspections of any licensed adult business during the hours the establishment is conducting business.

**760.19. EXEMPTIONS, GENERALLY:**

**760.19.1.** It is an affirmative defense to prosecution under this chapter if a person appearing in a state of nudity or seminude did so in a modeling class operated:

**760.19.1.1.** By a proprietary school, licensed by the state; a college, junior college or university supported entirely or partly by taxation;

**760.19.1.2.** By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

**760.19.1.3.** In a structure:

**760.19.1.3.1.** Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

**760.19.1.3.2.** Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

**760.19.1.3.3.** Where no more than one nude model is on the premises at any one time.

