

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 16, 2022**

**AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE
CITY OF GREELEY MUNICIPAL CODE, ALL CORRECTING THE CODIFICATION
OF THE ENTIRE PERMANENT CODE TO ACCURATELY REFLECT THE INTENT OF
ORDINANCES PASSED IN THE CITY OF GREELEY**

WHEREAS, the City of Greeley, Colorado, (the "City"), pursuant to Article XX, Section 6 of the Colorado Constitution, has the right to enact, administer and enforce ordinances pursuant to the constitutional grant of power to the City; and

WHEREAS, the City adopted Ordinance No. 12, 2021 on April 6, 2021, pursuant to Charter section 3-20, and codified the entire body of permanent ordinances; and

WHEREAS, during the codification process of the Greeley Municipal Code, errors were made and sections of the code do not accurately reflect the intent of City Council when enacting individual ordinances in the past.

WHEREAS, more specifically, the errors included omitting the language of several ordinances adopted in 2019, scrivener's errors, adjustments to the language that affected the intended meaning of the code, duplicating code sections when not necessary, and inserting code sections that had been previously repealed.

WHEREAS, the corrections contained herein accurately reflect the Greeley Municipal Code as intended by City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1: Chapter 6, Ordinances, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 2: Section 1-176 of Chapter 7, Arrest, Prosecution and Sentences, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 3: Section 2-186 of Chapter 4, Contracts, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 4: Section 1-229 of Chapter 9, General Penalty, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 5: Section 2-149 of Chapter 3, City Council, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 6: Section 2-461, Chapter 6, Contracts with Other Governmental Bodies, of Title 2, Administration and General Government, is hereby repealed.

Section 7: Section 2-481, Chapter 7, Administrative Hearing Officer and Parking Referee, of Title 2, Administration and General Government, is hereby repealed.

Section 8: Section 2-916 of Article I, Generally of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 9: Section 2-947, Article II, Municipal Judge and Staff of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 10: Section 2-1026 of Chapter 12, Administrative Hearing Officers, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 11: Section 6-486 of Article III, Source Selection and Contract Information, Chapter 6, Purchasing, of Title 6, Revenue and Finance, shall be amended as shown in Appendix A.

Section 12: Section 8-435 of Article I, Local Licensing Authority, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 13: Section 8-469 of Article II, Licenses, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 14: Section 8-498 of Article III, General Provisions; Unlawful Acts, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, is hereby repealed.

Section 15: Section 8-554 and 8-55 of Article V, Beer, Wine and Spirituous Liquor Tastings, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 16: Sections 10-53 and 10-54 of Chapter 3, Violations, of Title 10, Animals, shall be amended as shown in Appendix A.

Section 17: Sections 12-190, 12-191 and 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A.

Section 18: 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, is hereby repealed.

Section 19: Section 14-293 of Chapter 9, Offenses Against Property, of Title 14, Criminal Conduct and Offenses, shall be amended as shown in Appendix A.

Section 20: Section 16-262 of Article VIII, Pedestrians, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, is hereby repealed.

Section 21: Section 16-391 of Article XII, Traffic Infractions Related to Parking, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 22: Section 16-476 of Article XIV, Other Offenses, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 23: Sections 16-601, 16-604 and 16-610 of Article XVIII, Towing and Storage, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 24: Sections 16-670, 16-671, 16-678, 16-679 and 16-683 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 25: Sections 18-305, 18-306 and 18-310 of Chapter 4, Parks, of Title 18, Streets, Sidewalks and Public Places, shall be amended as shown in Appendix A.

Section 26: Section 20-29 of Chapter 2, Water and Sewer Administration, of Title 20, Public Works and Utilities, is hereby repealed.

Section 27: Section 20-123 of Division 1, In General, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 28: Sections 20-152 and 20-153 of Division 2, Fees, Costs and Collection, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 29: Section 20-327 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 30: Title of Article VII and sections 20-563 and 20-567 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 31: Title of Article VII and Sections 20-588, 20-589 and 20-592 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 32: Sections 20-621, 20-626, 20-633, 20-637 and 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 33: Sections 22-44 of Chapter 2, Building Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 34: Sections 22-47 and 22-48 of Chapter 2, Building Code, of Title 22, Buildings and Construction, is hereby repealed.

Section 35: Sections 22-95, 22-96 of Chapter 3, Residential Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 36: Sections 22-241 of Chapter 6, Existing Building Code, of Title 22, Buildings and Construction, is hereby repealed.

Section 37: Sections 22-314, 22-316, 22-317 and 22-318 of Chapter 9, Plumbing Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 38: Sections 22-463 and 22-464 of Chapter 12, Fire Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 39: This ordinance shall become effective on the fifth day following its final publication as provided by Section 3-16 of the Greeley City Charter. Upon its effective date, the ordinance shall retroactively be in full force and effect from the date of May 11, 2021, which is the date Ordinance No. 12, 2021 became effective.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 19th DAY OF APRIL, 2022.

ATTEST



CITY OF GREELEY, COLORADO

A handwritten signature in cursive script, appearing to read "Nancy Lzada".

Interim City Clerk

A handwritten signature in cursive script, appearing to be a stylized name.

Mayor

APPENDIX A

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE CITY OF GREELEY MUNICIPAL CODE, ALL CORRECTING THE CODIFICATION OF THE ENTIRE PERMANENT CODE TO ACCURATELY REFLECT THE INTENT OF ORDINANCES PASSED IN THE CITY OF GREELEY

Section 1: Chapter 6, Ordinances, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-145. Adoption of codes by reference.

The following shall be the only requirements necessary to adopt any code by reference by the city:

(1) The title of the adopting ordinance shall specify the general name of the primary code and every secondary code adopted.

(2) Not less than three copies of the primary code and of each secondary code shall be on file with the City Clerk from the date the proposed ordinance is passed on first reading. Following the adoption of such codes, copies shall be available at the City Clerk's office, to be purchased by the public at a cost as set in accordance with section 1-38 of this title.

(3) The adopting ordinance shall be adopted and published as other ordinances of the city, except that the provisions of the codes need not be published or read at the city council meeting. At least three copies of such codes shall be available for inspection or reading at the city council meetings when the adopting ordinance is voted upon.

(34) The adopting ordinance shall specify when it will be on the city council agenda for passage the second time and this shall be considered the public hearing concerning the code or codes to be adopted.

(45) Amendments to such codes shall be made in the same manner as the adoption of such codes.

Sec. 1-146. Procedure for passage.

The following procedure for enactment of ordinances shall be followed:

(1) The ordinance shall be introduced at any regular or special meeting of the City Council by any member thereof.

(2) The reading of an ordinance shall consist only of reading the title thereof; provided, that copies of the full ordinance proposed shall have been available in the office of the City Clerk at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of the City Council, and for inspection and copying by the general public; and provided further that a majority of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading.

(3) After the introduction of the ordinance and any amendments thereof, the same shall be approved or rejected by the vote of the City Council.

(4) If the ordinance is approved on first introduction, it shall be published in full unless otherwise provided herein. The City Council shall set a date, hour and place at which

the City Council shall hold a public hearing on the ordinance, and notice of said day, hour and place shall be included in first publication.

(5) The ordinance shall be introduced at City Council the second time at a meeting not earlier than ten days after first publication for final approval, rejection or other action as may be taken by vote of the City Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before the final approval by the vote of the City Council.

(6) Except as otherwise provided in this Chapter, an ordinance, if amended in substance, shall be published in full after final passage. But if not amended in substance, it shall be published either by title or in full as the City Council may determine.

(7) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk.

(8) Standard codes promulgated by the federal government, the State of Colorado or by any agency of either of them, or by recognized trade or professional organizations or amendments or revisions thereof, may be adopted by reference following a public hearing, provided that the publication of the bill or ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the City Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance. Primary codes thus adopted may in turn adopt secondary codes

Sec. 1-147. Repeal or modification; effect.

No suit, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any wise be affected, released or discharged by such repeal or modification.

Section 2: Section 1-176 of Chapter 7, Arrest, Prosecution and Sentences, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-176. Offenses covered by multiple provisions.

In cases where the same violation is punishable or created by different clauses or sections of this Code, the prosecuting officer may select under which to proceed, but a person may not be convicted for more than one violation for the same conduct. no more than one recovery shall be had against the same person for the same offense.

Section 3: Section 2-186 of Chapter 4, Contracts, of Title 2, Administration and General Government, shall be amended to read as follows:

2-186. Intergovernmental agreements.

The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. ~~Approval of such agreements will be approved by city council resolution or ordinance authorizing the city manager or his designee to sign the agreement.~~ Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and

as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:

(1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;

(2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or

(3) The approval by city council is required by state or federal law.

Section 4: Section 1-229 of Chapter 9, General Penalty, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-229. Penalties designated.

(a) No person shall violate any of the provisions of this Code. Such violations shall be subject to the punishment listed in this section.

(b) Misdemeanor offenses.

(1) Unless otherwise designated, any alleged criminal, non-administrative violation of this Code shall be classified as a misdemeanor offense and heard by the municipal court pursuant to chapter ~~10~~ 11 of title 2 of this Code.

(2) A person who commits a misdemeanor offense, which includes traffic offenses, shall be subject to punishment by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(c) Misdemeanor infractions.

(1) A person who violates any ordinance designated by this Code as a misdemeanor infraction, which includes traffic infractions ~~and parking infractions~~, shall be heard by the municipal court and subject to punishment by a fine of not more than \$500.00.

(2) A person cited for a misdemeanor infraction shall be eligible to submit a plea and payment to the municipal court pursuant to procedures established in section 2-991.

~~(d) Upon conviction, a person may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty imposed, and the municipal court may assess a fee to cover the cost of participation in the community or useful public service.~~ Community or useful public service. A defendant, upon conviction, may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty of this Section. If a person is convicted of more than one violation, community or useful public service may be imposed on any or each and every violation; any such community or useful public service penalties in excess of one arising out of multiple violations within one case may run and be satisfied concurrently or consecutively, in the discretion of this Court.

(1) For the purposes of this subsection, community or useful public service means any work which is beneficial to the public, any governmental entity or any bona fide nonprofit private or public organization and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work.

(2) Any community or useful public service penalty imposed pursuant to this Section shall be suitable to the age and abilities of the defendant, and the amount of community or useful public service work ordered shall be reasonably related to the seriousness of the violation.

(3) The Court may assess a fee to cover the costs of the defendant participating in the useful public service program, upon every person required to perform community or

useful public service pursuant to this Section. The Court may waive all or a portion of this fee if the Court determines the defendant to be indigent.

(e) The municipal court may find a person to be indigent upon a showing of credible written evidence of indigency.

Section 5: Section 2-149 of Chapter 3, City Council, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-149. Council terms of office.

~~In addition to article II of the city Charter, concerning elections of councilmembers, in any election at which both at-large council positions are available, there shall be one list of candidates on the ballot for the at-large positions with instructions to vote for two. The candidate receiving the highest vote total shall be awarded the term of four years and the candidate receiving the next highest vote total shall be awarded the term of two years.~~

(a) Except for the filling of vacancies, pursuant to section 2-3 of the Charter, the mayor shall be elected for a term of two years and all councilmembers for a term of four years. The mayor, two of the four council ward seats and one of the two council at-large seats shall be elected at every general municipal election. Vacancies, pursuant to section 2-5 of the Charter, are to be filled until the next general municipal election.

(b) For any election at which both at-large council positions are available, there shall be one list of candidates on the ballot for the at-large positions with instructions to vote for two. The candidate receiving the highest vote total shall be awarded the term of four years and the candidate receiving the next highest vote total shall be awarded the term of two years.

Section 6: Section 2-461 of Chapter 6, Contracts with Other Governmental Bodies, of Title 2, Administration and General Government, is hereby repealed.

~~CHAPTER 6. CONTRACTS WITH OTHER GOVERNMENTAL BODIES~~

~~2-461. Intergovernmental agreements.~~

~~The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:~~

~~(1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;~~

~~(2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or~~

~~(3) The approval by city council is required by state or federal law.~~

Chapter 6. Secs. 2-461-2.480. Reserved.

Section 7: Section 2-481 of Chapter 7, Administrative Hearing Officer and Parking Referee, of Title 2, Administration and General Government, is hereby repealed.

~~CHAPTER 7. - ADMINISTRATIVE HEARING OFFICER AND PARKING REFEREE~~

~~2-481. Appointed by city manager; qualification and support.~~

~~(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice law in the state.~~

~~(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.~~

~~(c) Administrative support shall be provided to the administrative hearing officer and the parking referee by the appropriate city personnel as determined by the city manager.~~

Chapter 7. Secs. 2-481-2-501. Reserved.

Section 8: Section 2-916 of Article I, Generally of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-916. Juvenile jurisdiction.

The municipal court shall have the authority to try juvenile defendants under the age of 18 for traffic violations under title 16, curfew violations under chapter 7 of title 14 of this Code, noise violations under section ~~12-239~~ 12-329, and violations of section ~~14-294~~ 14-293 related to littering.

Section 9: Section 2-947, Article II, Municipal Judge and Staff of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-947. Appointment and supervision.

The clerk of the municipal court shall be appointed and supervised by the city manager or the presiding municipal judge as determined by city council by resolution. ~~The duties of the clerk of the municipal court shall be prescribed by the city manager. If~~ appointed and supervised by the city manager, the city manager shall consider any advice the presiding municipal judge has regarding the duties of the clerk of the municipal court but shall not be bound to accept such advice.

Section 10: Section 2-1026 of Chapter 12, Administrative Hearing Officers, of Title 2, Administration and General Government, shall be amended to read as follows:

2-1026. - Administrative hearing officers.

(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain ~~noncriminal, administrative Code violations~~ municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice in the state.

(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.

(b)(c) Administrative support shall be provided to the administrative hearing officer by the appropriate city personnel as determined by the city manager.

Section 11: Section 6-486 of Article III, Source Selection and Contract Information, Chapter 6, Purchasing, of Title 6, Revenue and Finance, shall be amended to read as follows:

6-486. - Change orders.

All change orders are processed on a form with the need and source of funds. The description shall include what impacts this change order will have on the future of the project's availability of monies. Department directors may approve any and all change orders within the budgeted contingency. The budgeted contingency shall be included in all original project budgets as adopted with the city's adopted budget. ~~e~~City council consideration is required for cumulative change orders that would add 25 percent or more to the original contract cost of \$100,000.00 or greater. If the original contract cost is less than \$100,000.00 and the cumulative value of change orders are greater than 25 percent of the original contract price, then the city manager's signature is required.

Section 12: Section 8-435 of Article I, Local Licensing Authority, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

Sec. 8-435. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

Applicant means one making an application for a license under this chapter, and includes:

- (1) If an individual, that person making the application;
- (2) If a partnership, all the partners of the partnership which is making the application;
- (3) If a corporation, any officer, director, manager or stockholder therein making the application; or
- (4) If a limited liability company, any member therein making the application.

Authority or licensing authority means the hearing officer appointed by the city council by resolution.

Fermented malt beverage has the same meaning as set forth in the Colorado Beer Code (C.R.S. § 44-4-101 et seq.).

Hearing officer means the individual, licensed to practice law in the state, appointed by the city council, to carry out the duties as described in section ~~8-343~~ 8-434 and other rules, regulations, policies and procedures as may be established.

Malt, vinous, and spirituous liquor has the same meaning as set forth in the Colorado Liquor Code (C.R.S. § 44-3-101 et seq.).

Manager means and includes that person who manages, directs, supervises, oversees and administers the acts, transactions and acts of servants of the establishments governed by this chapter.

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

(b) All other words and phrases used in this chapter shall have the meanings attached by the state statutes regulating the sale of alcohol, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

Section 13: Section 8-469 of Article II, Licenses, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

8-469. Promotional associations and common consumption areas.

(a) The licensing authority is hereby authorized to certify and decertify promotional associations; designate the location, size, security and hours of operation of common consumption areas; and allow attachment of licensed premises to common consumption areas consistent with this chapter and the provisions included herein.

(b) The following standards related to promotional associations and common consumption areas are hereby adopted pursuant to the provisions of C.R.S. § 44-3-910, as may be amended from time to time, and the entertainment district regulations found in ~~division 8 of article III of chapter 8 of title 24~~ of this Code. The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under this chapter.

(c) Certification of a promotional association shall be applied for in a manner consistent with this section as determined by the licensing authority and include the following minimum information: ~~a copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.~~

(1) A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.

~~(d)~~ a. The promotional association shall have at least two licensed premises attached to the common consumption area.

~~(e)~~ b. A member of each of the licensed premises attached to the promotional association shall serve on the board of directors of the promotional association.

~~(+2)~~ 2) A detailed map of the proposed common consumption area, including: location of physical barriers, entrances and exits, location of attached licensed premises, and identification of licensed premises that are adjacent but not to be attached to the common consumption area. The size of the common consumption area shall not exceed the area approved as the entertainment district within which the common consumption area is located, but may be a smaller area within the entertainment district, provided that the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.

~~(23)~~ 3) A security plan, including evidence of training and approval of personnel as required under the Entertainment District regulations in Title 24 at section 24-918, a detailed description of security arrangements and the approximate location of security personnel within the common consumption area during operating hours.

~~(34)~~ 4) A list of dates and beginning and ending hours of operation of the common consumption area.

(45) Documentation showing possession of the common consumption area by the promotional association.

(56) A list of the attached licensees listing the following information: alcohol license number, ~~a~~ any past violations of this Code or state law, and a copy of any operational agreements.

(67) An insurance certificate of general liability and liquor liability insurance naming the city as an additional insured in a minimum amount of \$1,000,000.00.

(78) Documentation of how the application addresses the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, written testimony or otherwise.

(89) Application fee.

(910) Upon approval of a certification by the licensing authority, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted to the licensing authority and approved using the same procedures under which the original application was approved.

(fd) Application for recertification of a promotional association must be made by January 31 of each year in a manner consistent with the provisions of this section and include, but not be limited to:

(1) A copy of any changes to the articles of incorporation, bylaws and/or the directors and officers of the promotional association.

(2) All items noted under subsection (c)(2) through (c)(9) of this section.

(ge) Once certified by the licensing authority as a promotional association, the association may operate a common consumption area within an entertainment district and authorize the attachment of a licensed premises to the common consumption area, subject to approval by the licensing authority. Application for attachment of a licensed premises to the common consumption area by a certified promotional association shall be made in a manner consistent with the provisions of this section and include, but not be limited to, the following information:

(1) Authorization for attachment from the certified promotional association.

(2) Name of the representative from the licensed premises proposed for attachment who would serve as an additional director on the board of the certified promotional association.

(3) A detailed map of the common consumption area, including location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the common consumption area and approximate location of security personnel.

(hf) The licensing authority shall consider the merits of the application for a promotional association of a common consumption area and may refuse to certify or may decertify a promotional association if the association:

(1) Fails to submit the annual report as required under subsection (d) of this section by January 31 of each year;

(2) Fails to establish that the licensed premises and common consumption area can be operated without violating this article or creating a safety risk to the neighborhood;

(3) Fails to have at least two licensed premises attached to the common consumption area;

(4) Fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the local licensing authority and names the city as an additional insured;

- (5) Fails to demonstrate that the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; or
- (6) Is in violation of C.R.S. § 44-3-909, as may be amended from time to time, related to common consumption area operations.

Section 14: Section 8-498 of Article III, General Provisions; Unlawful Acts, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, is hereby repealed.

~~Sec. 8-498. Authorizing open containers of alcohol in certain areas.~~

~~(a) For the purposes of this section, the term "downtown open consumption area" means that area beginning at and including the sidewalk right-of-way extending from the west curb line of 8th Avenue to and including the sidewalk right-of-way to the east curb line of 9th Avenue, and between and including the sidewalk right-of-way and from the north edge of the sidewalk right-of-way of 8th Street to and including the sidewalk right-of-way to the south edge of the sidewalk right-of-way on 9th Street, also including the area known as the Chase Plaza, and including that portion of sidewalk on the west side of 8th Avenue from the 9th Street Plaza south 200 feet.~~

~~(b) During the hours of 7:00 a.m. to 12:00 a.m., it is not unlawful to possess or consume an open container of alcohol in or upon the sidewalks, parking lots, or other public property or place located in the downtown open consumption area, to the extent authorized by state law.~~

~~(1) If a special event permit for the sale of liquor or fermented malt beverages has been issued for all or a portion of the property located in the downtown open consumption area pursuant to C.R.S. § 44-5-101 et seq., then no person shall take or consume any malt, vinous, or spirituous liquor or fermented malt beverage onto or in the area designated in such permit except in accordance with such permit if a sign has been posted giving notice of the time and location of the area so restricted.~~

~~(2) Open containers of alcohol shall not be permitted in the downtown open consumption area on any date and during any time when the downtown entertainment district has been designated by a promotional association and certified by the liquor licensing authority as a common consumption area.~~

~~(c) It is unlawful for a person to bring, or have in his possession, any glass beverage container in the downtown open consumption area.~~

~~(d) Violations. Notwithstanding any other part of this chapter, a violation of this section shall be punishable as a misdemeanor offense.~~

~~(e) This section shall be automatically repealed on September 12, 2020, unless otherwise extended by the city council.~~

Section 15: Section 8-554 and 8-55 of Article V, Beer, Wine and Spirituous Liquor Tastings, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

Article V. ~~Beer, wine, and spirituous liquor~~ Alcohol tasting

Sec. 8-554. ~~Beer, wine, and spirituous liquor~~ Alcohol tasting authorized; permit required.

(a) Alcohol tastings on the licensed premises of a retail liquor store licensee or of a liquor—licensed drugstore licensee are authorized to be conducted within the city in accordance with C.R.S. § 44-3-301 (10), and subject to the provisions of this article.

- (b) The authority is authorized to issue alcohol tasting permits in accordance with the requirements of this article.
- (c) It shall be unlawful for any person to conduct alcohol tastings within the city without having first received a permit issued in accordance with this section.
- (d) Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct alcohol tastings shall submit a tasting permit application to the city clerk accompanied by the fee stated in section 8-434.
- (e) Submittal requirements. Annually, the licensee shall submit a completed alcohol tasting permit application obtained from the city clerk's office, including the following:
 - (1) Licensee information, including, but not limited to, name, address, contact information and license number;
 - (2) Verification that the licensee and employee who will be conducting the tastings have completed a seller/server training program that meets the standards established by the State licensing authority and is qualified to conduct an alcohol tasting.
- (f) No alcohol can be provided as samples during a tasting until 48 hours after the licensee has provided written notice of the tasting to the police department and the city clerk's office. Such notice must contain the specific days and hours on which the alcohol tasting will occur. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.
- (g) Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor stores and liquor-licensed drugstores. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore license expires. The initial tastings permit application fee shall not be prorated or refunded if the permit expires in less than a year.
- (h) Alcohol tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during operating hours.
- (i) An alcohol tasting permit shall only be issued to a retail liquor store licensee or a liquor-licensed drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the city or the State and in full force and effect.

Sec. 8-555. Limitations on ~~beer, wine, and spirituous liquor~~ alcohol tastings.

Alcohol tastings within the city shall be subject to the following limitations:

- (1) Alcohol tastings shall be conducted only on a licensed premises by a person who has completed a seller/server training program that meets the standards established by the state licensing authority and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee or an employee of a licensee;
- (2) The alcohol used in tastings must be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to C.R.S. § 44-4-403, at a cost that is not less than the laid-in cost for such alcohol;
- (3) The size of an individual sample shall not exceed one ounce off malt, vinous or fermented malt beverages or one-half of one ounce of spirituous liquor;
- (4) The licensee shall not serve more than four individual samples of alcohol to a patron during a tasting;
- (5) Alcohol tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- (6) Alcohol tastings shall be conducted only during the operating hours in which the licensee on whose premises the alcohol tastings occur is permitted to sell alcohol, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.;

- (7) The licensee shall prohibit patrons from leaving the licensed premises with a sample;
- (8) The licensee shall promptly remove all open and unconsumed alcohol samples from the licensed premises, destroy the samples immediately following the completion of the alcohol tasting, or store any open containers of unconsumed alcohol in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time or date;
- (9) The licensee shall not serve a person who is under 21 years of age, who is visibly intoxicated or is a habitual drunkard;
- (10) The alcohol samples used in the tastings shall be served in clear, open containers and shall be provided to a patron free of charge;
- (11) The licensee may conduct tastings on no more than 156 days per year. Alcohol tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year;
- (12) The licensee shall maintain on the licensed premises a log of all alcohol consumed as tastings on forms obtained from the authority, to be submitted to the city clerk each year with the alcohol tasting permit renewal application, and during all operating hours the log shall be subject to inspection by the police department, the county health department, the State licensing authority and any other federal, state, county or city agency which is permitted or required by law to inspect licensed premises; and
- (13) No manufacturer of alcohol shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at an alcohol tasting, and the licensee shall bear the financial and all other responsibility for an alcohol tasting.

Section 16: Sections 10-53 and 10-54 of Chapter 3, Violations, of Title 10, Animals, shall be amended to read as follows:

Sec. 10-53. Mistreatment.

(a) Mistreatment of an animal by a person is prohibited. The following conduct constitutes mistreatment:

~~(1) F~~ailing to provide or depriving the animal of:

~~(1) a.~~ Sufficient food and sufficient water;

~~(2) b.~~ Proper veterinary care consistent with the species, type of animal and acceptable agricultural animal husbandry practices; or

~~(3) c.~~ Overdriving, overloading, overworking, tormenting, torturing, beating, mutilating or killing an animal.

(b) Any finding of violation of this section shall be punishable as a misdemeanor offense. Mistreated animals are subject to impoundment prior to a finding of violation.

Sec. 10-54. Failing to provide adequate shelter and containment.

(a) Failing to provide adequate shelter and containment for an animal is prohibited.

(1) To be adequate, a shelter must include:

~~(1) a.~~ A roof, at least three enclosed sides, a doorway and a solid and level floor;

~~(2) b.~~ Dry bedding in sufficient quantity for insulation against cold and damp conditions; and

~~(3) c.~~ Protection from weather and environmental conditions, including cold, heat, sun exposure, wind and precipitation.

~~(b2)~~ To be adequate, containment must include enough space to meet the physical condition and exercise requirements of the species, type of animal and accepted agricultural animal husbandry practices, and be suitable to prevent the animal from escaping.

~~(c3)~~ Adequate containment may consist of tethering the animal on the owner or keeper's premises by means of a trolley system or attached to a pulley on a cable run, or by using a stake in the ground that is attached to a freely rotating ring device. However, tethering an animal so as to create a danger to the well-being of the animal is prohibited. ~~(d)~~ Danger to the well-being of the animal is created when:

~~(1)~~ a. The animal is tethered in excess of ten consecutive hours in a 24-hour period;

~~a-b.~~ The animal is tethered in a manner that is reasonably likely to become entangled with objects or other animals so as to cause injury to the animal;

~~b-c.~~ The tether is not attached to a properly fitted collar or harness worn by the animal or is attached to a choke or pinch collar worn by the animal, choke and pinch collars being prohibited for the purposes of tethering;

~~c-d.~~ There is no swivel attached to both ends of the tether to minimize tangling;

~~d-e.~~ The tether weighs more than one-eighth of the animal's body weight;

~~(2)~~ f. The trolley system or cable run is less than ten feet in length and mounted less than four feet and more than seven feet above ground level; or

~~(3)~~ g. The animal is not provided with a sufficient area to exercise and does not have access to adequate shelter, sufficient food and sufficient water.

~~(e4)~~ To be adequate, the shelter and containment must be clean and free of filth, including feces.

~~(fb)~~ Violations.

(1) A first finding of violation this section shall be punishable as a misdemeanor infraction.

(2) A subsequent finding of violation within one calendar year of a first finding shall be punishable as a misdemeanor offense.

(3) Animals without adequate shelter and containment are subject to impoundment prior to a finding of violation.

Section 17: Sections 12-190 and 12-191 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-190. Purpose.

(a) The purpose of this chapter is to prevent soil erosion and sedimentation from leaving areas that occur from nonagricultural development and construction within the city, by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.

(b) Any person who undertakes, develops or is responsible for an undertaking or development that involves land disturbing activity described in section ~~12-691(a)~~ 12-194(a) is responsible to see that soil erosion and sedimentation, as well as resulting changed water flow characteristics, are controlled to avoid damage to property and pollution of receiving waters. Nothing in this chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. The requirements of this chapter do not imply the assumption of responsibility on the part of the city. The

standards, criteria and requirements of this chapter are to be seen as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this chapter may not, therefore, of itself discharge a person's responsibility to provide effective control measures.

Sec. 12-191. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of state waters. Best management practices (BMPs) also include treatment requirements, operating procedures and practices to control construction site runoff.~~

~~City inspector means the person authorized by the city engineer, or the city engineer's designee, to inspect a site for the purpose of determining compliance with the provisions of this chapter.~~

Common plan of development or sale means contiguous (within one-quarter mile of each other) multiple, separate and distinct construction activities that may be taking place at different times on different schedules, but remain related because they share the same builder, contractor, equipment or storage areas.

Construction activities means clearing, grading, excavation, installing or improving roads, creating staging areas, stockpiling fill materials, borrow areas and compacting associated with stabilization of structures, but does not include routine maintenance performed by public agencies or their agents to maintain original line grade, hydraulic capacity or the original purpose of a facility.

Construction site erosion and sediment control plan or CSESCP means a plan submitted to the city that addresses erosion, sediment and waste control and water quality issues pertaining to the site. ~~This plan shall~~ containing such information as site description, location and description of appropriate ~~temporary and/or permanent BMPs, best management practices, as that term is defined in Title 20, maintenance procedures and all other matters necessary or appropriate to comply with the provisions of this chapter and the City of Greeley Storm Drainage Criteria Manual, Volume II Design Criteria and Construction Specifications Manual.~~

~~Developer~~ a person who undertakes land development activities.

~~Development means any activity, excavation or fill, alteration, subdivision, change in land use or practice, undertaken by private or public entities, that may affect the discharge of stormwater runoff. The term "development" does not include the maintenance of stormwater runoff facilities.~~

~~Disturbed area means that area of the land's surface disturbed by any work activity upon the property by means, including, but not limited to, grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil. The term "disturbed area" does not include the tillage of land that is zoned agricultural.~~

Final stabilization means the condition reached when all land disturbing activities at a development site have been completed, and a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance

levels or equivalent permanent physical erosion reduction methods have been employed.

Land-disturbing activity means an activity that results in a change in the existing surface, including, but not limited to, construction activities, but does not include tilling agricultural land.

Owner means any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

Permanent BMPs means those permanent stormwater quality BMPs that are properly installed and regularly maintained in order to treat stormwater runoff and ensure long-term water quality enhancements.

Person means anyone that has legal or contractual rights and obligations with the construction activities, including, but not limited to, the developer, landowner, contractor or homeowners.

Plan means a document, approved at the site design phase, that outlines the measures and practices used to control stormwater runoff at a site.

State waters means as the term is defined by the Colorado Water Quality Control Act (CWQCA), and includes any and all surface and subsurface waters which are contained in or flow in or through the state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems and all water withdrawn for use until use and treatment have been completed.

Stop work order means an order issued by the city which requires that all construction activity on a development, or part thereof, be stopped.

Stormwater means stormwater runoff, snow melt runoff and surface water runoff and drainage.

Stormwater discharge permit means a permit issued to a developer or other person that will be disturbing one acre or more of soil or less than one acre when part of a larger common plan of development, by the state department of public health and environment, water quality control division, to discharge stormwater runoff from construction site activities.

Stormwater drainage system means any manmade improvement or conveyance intended for stormwater runoff from real property, including, but not limited to, open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.

SWMP (stormwater management plan) means a plan for receiving, handling and transporting stormwater within the city's stormwater drainage system.

Section 18: 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, is hereby repealed.

~~Sec. 12-207. — Penalties and enforcement.~~

~~(a) Whenever any person is in noncompliance with the provisions of this chapter, the administrative hearing officer may impose penalty fines up to the amount of \$1,000.00 per day per violation and pursue sanctions defined in chapter 10 of title 1 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.~~

~~(b) Whenever the city manager or designee determines a person is violating or failing to comply with any provision of this chapter, the city manager or designee may~~

~~immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this chapter or otherwise allowed by law.~~

~~(c) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this chapter.~~

~~(d) Any fee which shall not be paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this chapter or any ordinance of the city, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.~~

Section 19: Section 14-293 of Chapter 9, Offenses Against Property, of Title 14, Criminal Conduct and Offenses, shall be amended to read as follows:

Sec. 14-293. Drivers presumed responsible Littering.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

Public or private property includes but is not limited to the right-of-way of any street or highway; and any body of water, ditch or watercourse, including frozen areas thereof, or the shores or beaches thereof; any park, playground or building; any refuge, conservation or recreation area; and any residential or business property.

(b) Any person who deposits, throws or leaves any litter on any public or private property, or in any waters, commits a misdemeanor infraction and shall be punished as provided in chapter 9 of title 1 of this Code, unless:

(1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property;

(2) The litter is placed in a receptacle or container installed on such property for such purpose; or

(3) Such person is the owner or tenant in lawful possession of such property or has first obtained written consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of such owner or tenant.

(c) Subsection (b)(3) does not authorize any conduct prohibited by other provisions of this Code, including those found in this Title.

(d) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, the operator of the motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped or dumped therefrom.

Section 20: Section 16-262 of Article VIII, Pedestrians, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, is hereby repealed.

~~16-262. Pedestrians not to remain on medians.~~

- ~~(a) No pedestrian may remain upon a median for longer than is reasonably necessary to cross the street.~~
- ~~(b) This section does not apply to persons maintaining or working on the median for the government which owns the underlying road or public right-of-way or for a public utility.~~
- ~~(c) This section does not apply to a street closed to vehicular traffic for the purposes of permitted activity on the street or roadway.~~
- ~~(d) A violation of this section is a traffic infraction and shall be punishable under chapter 9 of title 1 of this Code.~~

Sec. 16-262. Reserved.

Section 21: Section 16-391 of Article XII, Traffic Infractions Related to Parking, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-391. Authority to impound vehicles.

(a) The city shall have the authority to impound vehicles as provided in article 18 of this title. In addition to circumstances set forth in article 18 of this title, the city may impound any vehicle and order the vehicle towed to an impound lot or the item, article or object removed when:

- (1) Any vehicle is found parked upon any public street or public right-of-way in violation of the parking restrictions or prohibitions contained on any official sign or signs;
- (2) When any vehicle obstructs or interferes with the free flow of traffic, street maintenance, or access of emergency vehicles or equipment;
- (3) When any item, article, object or vehicle ~~which~~ causes or tends to obstruct the free movement of pedestrians or other traffic upon a sidewalk; or
- (4) When a motor vehicle is determined to be abandoned as that term is defined in section ~~16-699~~ 16-669.

(b) Nothing in this section shall prohibit the towing of a vehicle to an impound lot pursuant to another section of this Code.

Section 22: Section 16-476 of Article XIV, Other Offenses, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

16-476. Misuse of a wireless telephone.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency means a situation in which a person:

- (1) Has reason to fear for such person's life or safety; or believes that a criminal act may be perpetrated against ~~such~~ the person or another person, requiring the use of a ~~wireless telephone~~ mobile electronic device while the car is moving; or
- (2) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency or a person who is driving in a reckless, careless or otherwise unsafe manner.

First responder means:

- (1) A peace officer, as described in section 16-2.5-101;
- (2) A firefighter, as defined in section 29-5-203;
- (3) A voluntary firefighter, as defined in section 31-30-1102; or

(4) Any other person who responds in a professional capacity 1 to a public safety emergency.

Hands-free accessory means an accessory that enables a person to use a mobile electronic device without using either hand, although the use of either hand may be necessary to activate, deactivate, or initiate a function of the mobile electronic device.

Mobile electronic device means a handheld or portable electronic device capable of providing amusement, wireless data, or voice communication between two or more persons, including:

(1) A cellular telephone;

(2) A broadband personal communication device;

(3) A two-way messaging device;

(4) A text-messaging device;

(5) A pager;

(6) An electronic device that can receive or transmit text or character-based images, access or store data, or connect to the internet;

(7) A personal digital assistant;

(8) A laptop computer;

(9) A computer tablet;

(10) A stand-alone computer;

(11) A portable computing device;

(12) A mobile device with a touchscreen display that is designed to be worn on the body;

(13) An electronic game;

(14) Equipment that is capable of playing a video, taking photographs, capturing images, or recording or transmitting video; and

(15) Any similar device that is readily removable from a motor vehicle and is used to write, send, or read text or data or capture images or video through manual input.

Mobile electronic device does not include an approved ignition interlock device, as defined in section 42-2-132.5.

Operating a motor vehicle means driving a motor vehicle on a public highway, but the term "operating a motor vehicle" shall does not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

Use means talking on or listening to a ~~wireless telephone~~ mobile electronic device or engaging the ~~wireless telephone~~ mobile electronic device for text messaging, game play, taking photos or videos, or other similar forms of manual data entry or transmission.

Wireless telephone means a telephone that operates without a physical, wireline connection to the provider's equipment. The term "wireless telephone" includes, without limitation, cellular and mobile telephones.

(b) Except as specified in subsection (c) and (g) of this section:

(1) ~~No~~ A person under the age of 18 years of age shall use a wireless telephone while operating a motor vehicle not operate a motor vehicle while using a mobile electronic device;

(~~e~~2) ~~No~~ A person 18 years of age or older shall use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle not operate a motor vehicle while using a mobile electronic device unless the use is through a hands-free accessory.

(d) Subsection (b) or (c) of this section shall not apply to a person who is using the wireless telephone:

(c) It is not a violation of this section to use a mobile electronic device while driving if the use is:

(1) To contact a public safety entity; or

(2) During an emergency.

(ed) (1) Except as provided in subsection (d)(2) of this section, a person who violates ~~person who operates a motor vehicle in violation of subsection (b) or (c)~~ of this section commits a traffic infraction pursuant to section 1-229(e). Upon conviction:

(2) a. The court may assess a fine up to fifty dollars for a first offense;

b. The court shall assess a fine of one hundred fifty dollars for a second offense; and

c. The court shall assess a fine of three hundred dollars for a third or subsequent conviction. ~~A second or subsequent violation of subsection (b) or (c) of this section shall be considered a traffic offense pursuant to section 1-229(d).~~

(f) (1) ~~An operator of a motor vehicle shall not be cited for a violation of subsection (b) of this section unless the operator was under 18 years of age and a law enforcement officer saw the operator use a wireless telephone.~~

(2) A person who violates subsection (b) of this section to engage in text messaging commits a traffic offense and, upon conviction, the court shall assess a fine of three hundred dollars.

(2e) ~~An law enforcement officer shall not cite an operator of a motor vehicle shall not be cited for a violation of subsection (c) of this section unless the operator was 18 years of age or older and a law enforcement officer saw the operator use a wireless telephone~~ hold a mobile electronic device. A law enforcement officer shall not cite an operator for the enhanced penalty for using a mobile electronic device to engage in for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission unless the law enforcement office saw the operator engaging in text messaging on a mobile electronic device.

(gf) ~~The provisions of this section shall does not be construed to authorize the seizure and forfeiture of a wireless telephone mobile electronic device, unless otherwise provided by law.~~

(hg) This section does not prohibit:

(1) ~~restrict~~ ~~Operation~~ of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission;

(2) The use of a mobile electronic device by a first responder when acting within the scope of the first responder's duties.

(3) The use of a mobile electronic device by a professional acting within the scope of the professional's employment if the use is required by the professional's employer and necessary for the performance of the professional's duties;

(4) The use of a mobile electronic device to interact with a medical device; or

(5) The use of a mobile electronic device in a motor vehicle that is at rest in a shoulder lane or lawfully parked.

(h) A law enforcement officer shall not cite a commercial driver for a violation of this section if the commercial driver is cited for a violation of 49 CFR 392.82.

Section 23: Sections 16-601, 16-604 and 16-610 of Article XVIII, Towing and Storage, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-601. Implied grant of authority; authority to store vehicles.

(a) In the circumstances specified in this section, owners and drivers of motor vehicles in the city will be deemed to have authorized the police department and all members thereof, to arrange for the removal, towing and storage of motor vehicles of the drivers and owners. This implied grant of authority shall exist:

(1) If the traffic code provides for removal, towing or impounding of motor vehicles which are illegally parked or abandoned.

(2) If the driver of the motor vehicle has been or is about to be taken into custody of a law enforcement agency or if the driver, in the judgment of the police officer, is unable to drive safely because of being under the influence of alcohol or other drugs.

(3) If the motor vehicle is physically disabled and the driver or owner is unable or unwilling for any reason to arrange for removal, towing and storage of the vehicle.

(4) If the motor vehicle has been or is about to be seized by the police department or by any law enforcement agency to be held as evidence in a criminal proceeding.

(b) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the city in such a manner as to constitute a violation of this ~~chapter title~~, or left unattended upon any portion of a street or highway right-of-way within the city for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by section 14-283, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the city.

(c) In the event of abandonment of a vehicle on property within the city other than public rights-of-way, the owner of such property may, after a period of 24 hours following the property owner's or agent's placement of notice of removal on the vehicle, cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the city.

(d) If any vehicle is left on private property with the prior consent of the owner of the private property or other person in possession thereof, and following the property owner's or possessor's or agent's compliance with the notice requirements of this chapter, and if the vehicle owner fails to remove the vehicle following such notice, the owner or possessor of the private property or owner's or possessor's agent may cause the removal and placement of the vehicle as described in subsection (c) of this section.

Sec. 16-604. Loss of towing privileges.

A towing operator shall be dropped from the rotating list if:

(1) The chief of police determines that any of the five eligibility requirements set forth in section 16-602 is no longer being met by the operator;

(2) The chief of police determines that the towing operator has failed to take any action required by section ~~16-605~~ 16-603 or has done any act forbidden by said section or has attempted to do so;

(3) The foregoing grounds for termination of the privileges of a towing operator are in addition to the grounds set forth in section ~~16-605~~ 16-603.

A towing operator who has been dropped from the rotating list under subsection (1) of this section shall be reinstated on the list when and if he again satisfies the eligibility requirements. Towing operators dropped from the rotating list for any other reason shall not be reinstated for five years unless the advisory arbitration board, provided for by section ~~16-605~~ 16-603, approves an earlier reinstatement for good cause.

Sec. 16-610. Abandonment of motor vehicles and trailers; private tow.

(a) For purposes of this section, the terms "motor vehicle" and "vehicle" shall include trailers.

(b) No person shall abandon any motor vehicle upon private property in violation of section 14-283. Any owner or lessee of such private property, or his authorized agent, may have an abandoned motor vehicle removed from his property by having it towed and stored by a towing operator, subject to compliance with the terms of this article.

(c) Any towing operator having in his possession any abandoned motor vehicle from a private tow shall immediately notify the police department as to the name of the operator and the location of the storage lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate and the vehicle identification number. Upon such notification the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the police department shall ascertain and notify its rightful owner and cause termination of any abandonment proceedings. The police department shall have the right to recover from the owner its reasonable costs therefor.

(d) Any towing operator shall, as soon as possible but in no event later than 72 hours after receipt of determination that such motor vehicle has not been reported stolen, report the same to the department of revenue as required by C.R.S. title 42, art. 4 (C.R.S. § 42-4-101 et seq.), as amended from time to time. The towing operator shall further comply with all notice requirements of C.R.S. title 42, art. 4 (C.R.S. § 42-4-101 et seq.), as amended.

(e) The city shall provide notification stickers to private property owners, upon request and free of charge, for placement on apparently abandoned vehicles. The notification stickers shall be similar to those used by the police department for vehicles abandoned on public rights-of-way, notifying a vehicle owner of abandoned status, except that the private property notice shall include an affidavit for signature by the person placing the notice. No vehicle shall be towed from private property unless the notification form has been completed in full by the person placing the notice at least 24 hours prior to removal.

Section 24: Sections 16-670, 16-671, 16-678, 16-679 and 16-683 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-670. Violations.

Unless otherwise specified, all violations of this chapter shall be designated parking infractions and shall be punished pursuant to chapter ~~12~~ 11 of title 1. Those violations designated as traffic infractions shall be punished pursuant to chapter 9 of title 1.

Sec. 16-671. Stopping, standing or parking prohibited in specified places.

(a) Except as otherwise provided in subsection ~~(d)~~ (c) of this section, no person shall stop, stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) Within an intersection;
- (3) On a crosswalk;
- (4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (7) Upon any bridge or other elevated structure or within a tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any other place where official signs or markings prohibit or limit standing or parking;
- (12) Along any officially designated and posted snow removal route during a snow emergency;
- (13) In any alleyway, except as necessary during the expeditious loading and unloading of merchandise and freight;
- (14) On any parkway;
- (15) Along any roadway signed for roadway improvements on an identified date such that it states no parking on a specified date or time
- (16) On any public right-of-way with a vehicle or trailer with expired, missing or fictitious plates.

(b) Except as otherwise provided in subsection (c) of this section, in addition to the restrictions specified in subsection (a) of this section, no person shall stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (1) Within five feet of a public or private driveway;
- (2) Within five feet from the curb line directly in front of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway, measured from the curb line directly in front of the beacon, signal or sign;
- (5) Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station, within 75 feet of said entrance when properly signposted;
- (6) At any other place where official signs or markings prohibit standing or parking.
- (7) Within a marked fire lane.

(c) In addition to the restrictions specified in subsections (a) and (b) of this section, no person shall park a vehicle or trailer, except when necessary to avoid conflict with other

traffic or in compliance with the directions of a police officer or official traffic control device, when and where any of the following conditions exist:

- (1) Within 50 feet of the nearest rail of a railroad crossing;
- (2) At any place where official signs and or markings prohibit parking.

Sec. 16-678. Parking restrictions.

(a) The designee may designate certain areas that are subject to parking restrictions based upon factors to include, but not be limited to:

- (1) Proximity to special generators; availability of both on- and off-street parking;
- (2) Vehicular and parking capacity, including the width, grade and curve of the area's streets;
- (3) Existing traffic control measures;
- (4) Traffic volume; and
- (5) Utility and emergency service access.

(b) The designee shall establish the boundaries of each area that is subject to parking restrictions and each area shall be identified through appropriate postings and signage.

(c) Parking restrictions may include:

- (1) Areas where parking is authorized by permit only pursuant to section 16-680;
- (2) Areas where parking is limited by posting of appropriate signage; and
- (3) Restricted parking zones as authorized in section ~~16-704~~ 16-674.

Sec. 16-679. Overtime parking violations.

(a) Where any section of this chapter, or any sign posted pursuant to the provisions of this chapter, prohibits parking in excess of any stated period of time in any given parking space or other designated area, a vehicle shall be considered in violation of that restriction if it does not comply with instructions outlined on the signage.

(b) This section shall not apply if a payment has been made for overtime parking in a restricted parking zone as authorized in section ~~16-690~~ 16-681.

Sec. 16-683. Parking privileges for persons with disabilities.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

License plate or placard means a license plate or placard issued pursuant to state law.

Person with a disability has the meaning provided for such term pursuant to state law.

(b) A vehicle with a license plate or a placard obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, may be parked in public parking areas along public streets but are held to the same time limitations as all others.

(c) Reserved parking spaces.

(1) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities, whether on public property or private property available for public use. A placard or license plate obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, shall be clearly displayed at all times on the vehicle while parked in such space.

(2) The owner of private property available for public use may post signs or markings identifying parking spaces reserved for use by persons with disabilities. Such posting shall be a waiver of any objection the owner may assert concerning enforcement of this

section by parking enforcement officers or peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(3) Each parking space reserved for use by persons with disabilities, whether on public property or private property, shall be marked with an official upright sign or official markings on the pavement, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(d) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR 1235.

(e) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign or pavement markings as being reserved for use by persons with disabilities unless:

(1) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

(2) A license plate or placard obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, is displayed in such vehicle.

(f) Any person who is not a person with a disability and who exercises the privilege defined in subsection (b) of this section or who violates the provisions of subsection (e) or ~~(f)~~ (i) of this section commits a traffic offense.

(g) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to C.R.S. § 42-3-204, in order to receive the benefits or privileges available to a person with a disability under this section, commits a traffic offense.

(h) Any law enforcement officer, public safety technician or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(i) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 CFR 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

(j) It shall be the duty of the traffic engineer to provide for adequate handicapped parking zones on public property as authorized by law. Handicapped parking zones on private property that are available for public use shall be posted with a sign meeting the requirements of sign R7-8 as provided for in Section 2B-31 of the United States Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices.

Section 25: Sections 18-305, 18-306 and 18-310 of Chapter 4, Parks, of Title 18, Streets, Sidewalks and Public Places, shall be amended to read as follows:

Sec. 18-305. - Posting notices of closed hours.

The director of culture, parks and recreation shall post notices in conspicuous places in city parks, sufficient to inform the public of the closing hours of the parks.

Sec. 18-306. - Violation of closed hours unlawful; exceptions.

It is unlawful for any person to be within a city park at a time when the park is closed to the public unless travel on streets therein is necessary for through traffic and for those residing in areas adjoining the parks or during events of a public nature for which a permit has been previously granted. This prohibition shall not extend to persons employed within the parks or to persons who have obtained written permission from the director of culture, parks and recreation for entry into the parks during closed hours.

Sec. 18-310. – Authority, posting.

(a) The director of culture, parks and recreation shall have authority to enforce rules and regulations promulgated for the proper management, operation and control of city parks, parkways and other recreational facilities within the city, as well as rules and regulations adopted by the city council which affect city parks.

(b) Notices of applicable rules and regulations shall be posted in conspicuous places in city parks, parkways and other recreational facilities giving notice of the proscribed behavior.

(c) It is unlawful to engage in posted, proscribed behavior and violation of this section shall be treated as a misdemeanor infraction.

Section 26: Section 20-29 of Chapter 2, Water and Sewer Administration, of Title 20, Public Works and Utilities, is hereby repealed.

~~20-29. – Budget setting process:~~

~~(a) Preparation for draft budgets. In order to prepare the annual water and sanitary sewer budgets for recommendation to the city manager, the water and sewer board will meet with water and sewer department staff and the city finance director to review and discuss information that may impact the water and sanitary sewer budgets. The information may include, but is not limited to, the following:~~

- ~~(1) Current estimates of debt service requirements and depreciation costs;~~
- ~~(2) Actual budget figures from previous years, current year's actual/estimated expenses and revenues, and recommended and estimated revenues and expenses for future years; and~~
- ~~(3)~~

~~a. Relevant factors affecting maintenance of current operational service levels;~~

~~b. Large rehabilitation projects that may require bonding;~~

~~c. Capital improvement projects required to meet federal or state regulations;~~

~~d. Capital improvement projects to meet court decrees;~~

~~e. New capital improvement projects to meet city council's approved long range (minimum five year) plan and adopted comprehensive plan;~~

~~f. Adjustments in operational service levels and capital projects required to maintain operational service levels; and~~

~~g. Acquisition of additional water rights. The water and sewer board will also review and consider any other information presented by water and sewer department staff that may materially affect preparation of the budgets, including, but not limited to, growth projections; projected and actual city personnel salary adjustments and other items which may affect the operations of the water and sewer department and/or approved long range (minimum five year) plan and adopted comprehensive plan. To the extent possible or practicable, the foregoing will be presented to the water and sewer board~~

~~on or before the annual April water and sewer board meeting. After presentation to the water and sewer board, the same information shall be presented to city council, together with any recommendations by the water and sewer board for city council's consideration. To the extent possible or practicable, the foregoing will be presented to city council on or before the annual June water and sewer board meeting.~~

~~(b) Recommended budgets. Water and sewer department staff and the finance director will prepare draft budgets and a long-range plan that considers comments or direction received from the water and sewer board or city council. The draft budgets will be presented to the water and sewer board for its review, approval, and recommendation to the city manager, as well as a draft long-range (minimum five-year) plan for water and sewer capital improvement projects for the water and sewer board's review and submittal to city council. The recommended budgets will estimate the water and sewer rates necessary for all expenditures for all operation and maintenance of the water and sewer systems; all debt service requirements; and additions to a reserve account in sufficient amounts to offset depreciation to the water or sewer systems. The water and sewer recommended budgets and long-range plans will also separately estimate the rates necessary for all expenditures for new water and sewer capital improvement projects and for which funds are recommended to be appropriated from the Sewer Construction Fund, Water Construction Fund, Water Rights Acquisition Fund, or other identified fund, in order to meet city council's approved long-range (minimum five-year) plan and adopted comprehensive plan. city council reviews and approves the long-range plan as it deems appropriate during city council's budget setting process. To the extent possible or practicable, the foregoing will be presented to the water and sewer board on or before the annual July water and sewer board meeting.~~

~~(c) Presentation to city council. When the city manager presents his proposed budget to city council, any changes to the water and sewer board's recommended budgets that are not supported by both the water and sewer board and the city manager will be documented and presented to city council with supporting explanation for and against the changes. The water and sewer board will receive notice of any such changes prior to the city council budget work session scheduled to review the water and sewer budgets. The water and sewer board may then meet with city council at the city council budget work session to discuss any changes in the recommended budget, subject to all applicable open meeting laws.~~

~~(d) Setting the rates for water and sewer. As soon as practicable after the city council adopts the city budget, but before December 31, the board shall approve minimum water and sewer rates in accordance with section 17-4 of the city Charter. The rates adopted by the board may also include funding in order to meet city council's long-range plan and adopted comprehensive plan, and any other expenditure included in the adopted city budget as approved by city council.~~

Sec. 20-29. Reserved.

Section 27: Section 20-123 of Division 1, In General, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

20-123. Failure to maintain; unlawful; notice; turnoff.

It is unlawful for any owner or user of water to fail to comply with the provisions of section ~~20-153~~ 20-122 and, until his pipes and fixtures are placed in good repair, the director of water and sewer shall turn off all water from such premises. If the director of water and sewer discovers, on inspection, that any plumbing or fixtures of any premises are so defective as to waste any water, he shall notify the owner or user of water to repair the same immediately and, if not repaired within 24 hours, he shall turn off the water from such premises, and the same shall remain turned off until such plumbing and fixtures are repaired.

Section 28: Sections 20-152 and 20-153 of Division 2, Fees, Costs and Collection, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

20-152. Payment of charges.

All rates for the use of water as provided in this title shall be due and payable to the director of finance at his office in the city hall. In case any water user fails to pay all charges within 30 days after the same become due, the same are delinquent and the city may disconnect water service from every premises, building, house or lot in default until the delinquent charges are paid, including payment of reconnection charges as provided in sections ~~20-122 and 20-223~~ 20-158.

20-153. Bills may be sent; process for bill disputes.

The director of finance may, but shall not be required to, give notice to users of water of the amount of their water rates and when due, and he may include in such notice and shall collect with the water rates the sewer rates and any associated fees and charges due pursuant to this title ~~20 assessment provided for in section 18-388 et seq., prorating such assessment with the water rates~~. Any customer that believes its water and sewer bill contains improper charges may submit a bill dispute in writing to the director of water and sewer.

Section 29: Section 20-327 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-327. Installation costs; advance payment required.

In addition to paying the plant investment fees provided for in section 20-325, ~~the owner, lessee or user of any~~ the applicant for sanitary sewer service shall pay for all labor and materials required to installing the tap onto the sewer main, to install the service pipes and lines, and to perform all trenching and street repairs. ~~All plant investment fees and installations costs shall be paid prior to commencing any work.~~ All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 30: Title of Article VII and sections 20-563 and 20-567 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Article VII. ~~Storm Sewers~~ Stormwater drainage system

Sec. 20-563. ~~Discharge prohibitions.~~ Illicit discharges; allowed discharges; nonconforming taps.

(a) Illicit discharges are discharges to the city's stormwater drainage system that are not composed entirely of stormwater and are not allowed discharges as described in subsection (b) of this section. Illicit discharges to the city's stormwater drainage system are prohibited.

(b) The following are allowed discharges into the city's stormwater drainage system and are exempted from classification as an illicit discharge: uncontaminated runoff from rain or snow melt; landscape irrigation; diverted stream flows; irrigation return flow; rising groundwater; uncontaminated groundwater infiltration as defined at 40 CFR 35.3005(20); uncontaminated pumped groundwater; springs; flows from riparian habitat and wetlands; discharges in accordance with the state department of public health and environment: water quality control division low risk policy discharge guidance documents; foundation drains; air conditioning condensation; water from crawlspace pumps; footing drains; individual residential car washing; charity car washes; water incidental to city sweeping that is not associated with construction; flows from emergency firefighting activities; water dyed for testing processes in accordance with manufacturer recommendations; and other discharges specifically authorized by the city's state discharge permit system permit or National Pollution Discharge Elimination System permit.

(c) Any tap into a stormwater line made prior to 1999 that is discharging only allowable discharges described in subsection (b) of this section will be considered a legal non-conforming tap until one of the following occurs; at which time the time the tap must be removed and connected to the sanitary sewer system (not the stormwater drainage system); improvement to the property, change in ownership, or change in use.

Sec. 20-567. - Code ~~infraction~~ violation and administrative hearing procedures.

A notice of violation issued under section 20-566 is a misdemeanor infraction and shall proceed in accordance with section 2-1032 and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

Section 31: Sections 20-588, 20-589 and 20-592 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-588. Installations; ~~city engineer to direct~~ Director of Public Works.

All installations of taps or connections to the stormwater drainage system shall be under the direction of the director of public works ~~or designee.~~

Sec. 20-589. Service connections; ~~required before streets paved;~~ specifications; ~~business district~~ requirements.

Before any impervious areas, as defined in section 20-621, are created in any of the streets or alleys within the city, a property owner shall lay service connections with the stormwater drainage system extending from the sewer line to the property line, which connections shall be of adequate size to provide drainage for present and future buildings upon the property in accordance with the schedule of sizes designated in section 20-590. All downspouts, water drains, or conductor pipes from the roofs of buildings in commercially-zoned areas of the city shall be placed beneath the surface of the street or alley adjoining the property and be connected with the stormwater drainage system located within the public right-of-way in conformity with this Code and with the approval of the director of public works or designee.

Sec. 20-592. Application to remodeled buildings, living units and redevelopment districts.

The stormwater drainage development impact fees provided for in section ~~6-998~~ 6-1008 shall also be imposed with respect to existing development if existing buildings or other physical improvements on the property are remodeled or added to or if structures or other living units, such as mobile homes, are moved onto the property.

Section 32: Sections 20-621, 20-626, 20-633, 20-637 and 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-621. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Control measures means BMPs (best management practices) or other operating procedures or methods used to prevent or reduce the discharge of pollutants to the city's stormwater drainage system from construction site runoff, spillage, and leaks, and can include the installation, operation, and maintenance of structural controls and treatment devices, such as landscape buffers and swales, modular block porous pavement, and detention basins.

Impervious area means areas covered in a way that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events, like roofs, walkways, patios, driveways, parking lots, storage areas, concrete and asphalt, and any other continuous watertight pavement or covering.

MS4 permit means the state discharging permitting system's general permit stormwater discharges associated with municipal separate storm sewer system issued by the state department of public health and environment under which the stormwater drainage system operates.

Stormwater drainage system means any manmade improvement or conveyance intended for stormwater runoff from real property, including, but not limited to, open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention or retention ponds, surface waters and lakes.

Sec. 20-626. Duties of stormwater board.

(a) The stormwater board shall make recommendations to the city council on all matters concerning stormwater management, priorities, policies, fees, and procedures.

(b) The board shall also review and make recommendations to the city council on the stormwater management plan.

(c) The board shall recommend the facilities needed to provide an adequate stormwater drainage system. Such recommendations shall include the following:

(1) The facilities to be constructed.

(2) The prioritization and schedule for construction of facilities.

(3) The method of assessing fees against property.

(4) Apportionment of the cost of new facilities to be assessed against property and the portion, if any, of such cost which should be paid by the city.

(5) Long-range plans.

Before making recommendation for any project, the board shall analyze the project and compare the benefits to be achieved with the anticipated cost of the project.

(d) The board shall annually recommend stormwater rates, including the stormwater drainage development impact fees imposed pursuant to chapter 15 of title 6 of this Code, which need not be uniform for all classes of users. Rates shall include all costs for the construction, reconstruction, replacement, rehabilitation, and improvement of the stormwater drainage system.

(e) The board shall make recommendations to the city manager for expenditures for the stormwater drainage system annual budget.

(f) The board shall also hear the appeal of any owner of property in the city who disputes the amount of the stormwater management program fee made against property or who disputes any determination made by or on behalf of the city pursuant to and by authority of this chapter. After hearing, the board may make such revision or modification of such fee or determination as it shall deem appropriate.

Sec. 20-633. Requirement for permanent stormwater water quality control measures.

(a) The owner or developer of any new or existing development that involves land disturbing activity as defined in section ~~12-189~~ 12-191 that is:

(1) Equal to or greater than one acre; or

(2) Less than one acre if the construction activities are part of a common plan of development or sale, as defined in section ~~12-189~~ 12-191, must design, construct, install, perform inspections on, and maintain in perpetuity control measures that prevent or minimize water quality impacts and address stormwater runoff quality.

(b) The control measures must be designed, installed, and maintained, in accordance with the following:

(1) The city's storm drainage design criteria and construction specifications manual and urban drainage;

(2) The flood control district's urban storm drainage criteria manual; and

(3) The design standards required by the city's MS4 permit.

Such control measures, including their attainment of design standards in conformance with the city's MS4 permit requirements, must be reviewed and approved by the director of public works or designee. The obligation to maintain the control measures in perpetuity shall be memorialized on a subdivision plat, annexation plat, development agreement, or other instrument recorded in the office of the county clerk and recorder.

(c) Should the owner or developer fail to adequately maintain the control measures, the city shall have the right to enter the property for the purposes of performing operation and maintenance. All associated costs, including administrative costs, shall be assessed pursuant to section 20-632(b).

(d) In addition to the above section, failing to adequately maintain control measures shall be a violation of this chapter.

Sec. 20-634. Excluded projects.

(a) The following new or existing development is not required to comply with section 20-633:

(1) Paving that does not result in a substantial increase of impervious area and infrastructure, like routine maintenance, rehabilitation, replacement, and reconstruction.

(2) Redevelopment of existing roads when:

a. Less than one acre of paved area per mile of road is added; or

b. Less than 8.25 feet of paved width at any location is added.

~~(b 3)~~ Installation or maintenance of underground utilities or infrastructure that does not permanently alter existing terrain, ground cover, or drainage patterns.

~~(c 4)~~ Single-family residential or agricultural zoned property equal to or greater than 2.5 acres per dwelling, having a total impervious area of less than ten percent.

~~(d 5)~~ Any development that submits to the director of public works a site-specific study detailing rainfall and soil conditions demonstrating that post-development surface infiltration will not result in the discharge of concentrated stormwater flow during an 80th percentile runoff event. The site-specific study must be approved by the director of public works or his designee.

~~(e 6)~~ Undeveloped property on which land disturbing activity occurs but results in no added structures or impervious area.

~~(f 7)~~ Stream stabilization sites.

~~(g 8)~~ Bike and pedestrian trails that are not attached to roads.

~~(h 9)~~ Oil and gas exploration.

Sec. 20-637. City to maintain public stormwater facilities.

The city shall maintain all public stormwater facilities accepted by the city, located on city-owned property, and additional stormwater facilities dedicated to the city.

Sec. 20-639. Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the city in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works ~~or designee~~ may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with section 2-1032, and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Section 33: Sections 22-44 of Chapter 2, Building Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-44. Section ~~406.3.4(1)~~ 406.3.2.1 amended; dwelling unit separation.

Sec. 406.3.2.1 of the building code is amended to read as follows:

The private garage shall be separated from the dwelling unit and its attic area by means of a minimum five-eighths inch (15.9 mm) Type X gypsum board or equivalent applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than five-eighths inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, or the ceiling is providing separation, the structure supporting the separation shall also be protected by not less than five-eighths inch (15.9 mm) Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 $\frac{3}{8}$ inches (34.9 mm) thick, or doors in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Doors shall be self-closing and self-latching.

Section 34: Sections 22-47 and 22-48 of Chapter 2, Building Code, of Title 22, Buildings and Construction, is hereby repealed.

~~Sec. 22-47. Section 1507.2.9.4 added; sidewall flashing.~~

~~Sec. 1507.2.9.4 of the building code is added to read as follows:~~

~~1507.2.9.4 Sidewall flashing. Flashing against a vertical sidewall shall be by the step-flashing method. The flashing shall be a minimum of 4 inches (102 mm) high and 4 inches (102 mm) wide. At the end of the vertical sidewall the step flashing shall be turned out in a manner that directs water away from the wall and onto the roof and/or gutter.~~

~~Sec. 22-48. Section 1507.2.9.5 added; other flashing.~~

~~Sec. 1507.2.9.5 of the building code is added to read as follows:~~

~~1507.2.9.5 Other flashing. Flashing against a vertical front wall, as well as soil stack, vent pipe and chimney flashing, shall be applied according to the asphalt shingle manufacturer's printed instructions.~~

Section 35: Sections 22-95, 22-96 of Chapter 3, Residential Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-95. Section R313.2 deleted; one- and two-family dwellings automatic fire sprinkler systems.

Sec. R313.2 of the residential code, adopted at section 22-76 is deleted in its entirety. ~~automatic residential fire sprinkler system shall be installed in one- and two-family~~

Sec. 22-96. Section ~~R327~~ R328 added; electric fences.

Sec. R328 of the residential code is added in its entirety to read as follows:

Sec. R328 Electric fences.

R328.1 Definition. For the purposes of this section, any fence using, carrying or transmitting an electrical current for any purpose is considered an electric fence.

R328.2 Permit required. In all cases, electric fences will require approval, and a building permit. All electrical components must be listed and labeled, by a nationally recognized independent testing agency, and installations must be made per the manufacturer's specifications, and the listing requirements.

R328.3 Signs. Permanent signs stating "DANGER, ELECTRIC FENCE" must be installed on or around the fence, as deemed necessary by the building inspection division.

R328.4 Location. All electric fences must be installed inside a non-electric fence, placed so as to prevent accidental contact from the outside. This subsection does not apply to approved agricultural uses.

R328.5 Existing fences. Any existing electric fence identified after the adoption of this code that does not conform to these requirements, shall have 60 days from the date of identification of the fence to come into compliance with these requirements, or the electric fence shall be removed.

Section 36: Sections 22-241 of Chapter 6, Existing Building Code, of Title 22, Buildings and Construction, is hereby repealed.

~~Sec. 22-241. Section 1401.2 amended; applicability.~~

~~Sec. 1401.2 of the existing building code is amended to read as follows:~~

~~1401.2 Applicability. Structures existing at the time of adoption of this code in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 5 through 13. The provisions of sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.~~

Section 37: Sections 22-314, 22-316, 22-317 and 22-318 of Chapter 9, Plumbing Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-314. Section ~~405.5~~ 405.6 amended; water-tight joints.

Sec. 405.6 of the plumbing code is amended to read as follows:

405.6 Water-tight joints. In facilities designed for public use, joints formed where fixtures come in contact with walls or floors shall be sealed.

Sec. 22-316. Section ~~414.2~~ 417.2 amended; waste connection.

Sec. 417.2 of the plumbing code is amended to read as follows:

417.2 Waste connection. Garbage can washers shall be located only in weather-tight enclosures and shall be trapped separately. The receptacle receiving the waste from the washer shall have a removable basket or strainer to prevent the discharge of large particles into the drainage system.

Sec. 22-317. Section ~~417.4~~ 421.4 amended; shower compartments.

Sec. 421.4 of the plumbing code is amended to read as follows:

421.4 Shower compartments. All shower compartments shall have a minimum of 1,024 square inches (0.66 m²) of interior cross-sectional area. Shower compartments shall not be less than 32 inches (813 mm) in minimum dimension measured from the finished interior dimension of the compartment, exclusive of fixture valves, showerheads, soap dishes, and safety grab bars or rails. Except as required in section 404, the minimum

required area and dimension shall be measured from the finished interior dimension at a height equal to the top of the threshold and at a point tangent to its centerline and shall be continued to a height not less than 70 inches (1,778 mm) of this section the shower drain outlet.

Sec. 22-318. Section ~~417.4~~ 421.4 deleted; exception, shower compartments.
Sec. 421.4, Exception, of the plumbing code is deleted in its entirety.

Section 38: Sections 22-463 and 22-464 of Chapter 12, Fire Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

22-463. Section 110.4 amended; violation penalties.

Sec. 110.4 of the fire code is amended to read as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor infraction, and punishable pursuant to chapter 9 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

22-464. Section ~~111.4~~ 112.4 amended; failure to comply.

Sec. ~~111.4~~ 112.4 of the fire code is amended to read as follows:

~~111.4~~ 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor infraction, and punishable pursuant to chapter 9 of title 1 of this Code.