

ORDINANCE NO. 25-01

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

WHEREAS, the Board of County Commissioners serve as the governing body of Huerfano County and are vested with administering the affairs of the County pursuant to state statutes; and,

WHEREAS, pursuant to § 30-15-401, C.R.S., the Board of County Commissioners (“the Board”) has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, the Board of County Commissioners desires the creation of a County Code to serve as a resource for county residents and staff.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Huerfano County, Colorado as follows:

Section 1. The code entitled "Huerfano County Code" published by CivicPlus, LLC, with tables and index, is adopted as a primary code by reference.

Section 2. All ordinances or portions of ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance which are inconsistent with the provisions of such code, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed.

Section 3. The repeal established in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 4. The penalty provisions set forth in such Code are hereby adopted as follows:

Sec. 1-11. General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means any of the following:

(1) Doing an act that is prohibited or made or declared unlawful, an offense, a misdemeanor, or a violation by ordinance, or by order, rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by order, rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, a misdemeanor, an offense, or a violation by ordinance, by statute adopted by reference in this Code or by order, rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a town officer or town employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided by law or ordinance:

(1) Any person who violates any county ordinance adopted pursuant to C.R.S. § 30-15-401 et seq., commits a class 2 petty offense or, in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in C.R.S. § 16-2-201 may be followed by any arresting law enforcement officer for any such violation. As part of such county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of C.R.S. §§ 42-4-1701 and 42-4-1703, and C.R.S. §§ 42-4-1708—42-4-1718, shall apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (a) of this section, persons convicted of a violation of any ordinance adopted pursuant to C.R.S. § 30-15-401 et seq., are subject to a surcharge in the amount as set out in the appendix to this Code. These surcharges shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to C.R.S. § 24-4.2-103.

(3) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(4) With respect to violations that are not continuous with respect to time, each act constitutes a separate offense.

(d) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions or equitable relief.

(e) Violations of this Code that are continuous with respect to time are hereby declared to be a public nuisance and are subject to abatement by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

Sec. 8-29. Miscellaneous.

(a) Use of sirens and emergency equipment. All emergency equipment and warning devices shall be used in accordance with all Colorado traffic statutes, rules and regulations (C.R.S. § 42-4-213).

(b) Alleged negligence.

(1) In any legal action against a licensee in which it is alleged that the plaintiff's injury, illness, or incapacity was aggravated by, or was otherwise injured by the negligence of the licensee, no negligence shall be presumed because of such allegations.

(2) If a judgment is entered against such licensee, he or she, shall, within 30 days, file a copy of such findings and order of the court, with the county. The county shall take note of such judgment for purposes of investigation and take appropriate action if there appears to be any violation of these regulations, or of any state law or ordinance or regulation of any municipality in the county.

(3) The licensee shall notify the county of any judgment pending against the licensee in reference to subsections (a) and (b) of this section.

(c) Remedies. These regulations create no third-party beneficiaries and no private remedy for the breach of any provision of these regulations. The penalties set forth herein are the sole and exclusive penalties and remedies for the breach of any provisions of these regulations.

(d) Violation of state law; penalty. Any person who violates any provision of C.R.S. §§ 25-3.5-301 through 25-3.5-318 commits a petty offense and shall be punished as provided in C.R.S. § 18-1.3-503.

Sec. 10-26. Enforcement, violations, and penalties.

(a) Violation of this article shall constitute a civil infraction. Violations of this article may be enforced through the penalty assessment procedure set forth in C.R.S. § 16-2-201.

(b) The following are authorized to issue citations, summons, and complaints for violation of this article.

(1) Any law enforcement officer or code enforcement official of the county.

(2) Any official of a fire protection district in the county.

(3) Any code enforcement official of a municipality that adopts this article.

(c) It is the duty of the county sheriff, undersheriff, and deputies to enforce this article as provided for in C.R.S. § 30-15-410.

(d) The graduated fine schedule for the penalty assessment procedure is as follows:

(1) \$50.00 for the first violation.

(2) \$250.00 for the second violation.

(3) \$1,000.00 for each successive violation.

(e) Persons convicted of violating this article are subject to the surcharges identified in C.R.S. § 30-15-402.

(f) In addition to any other penalty, persons convicted of a violation of this article shall pay the customary courts costs when applicable.

(g) All fines and penalties shall be deposited into the general fund of the county and distributed annually to the fire protection districts on the basis of number of permits issued in the proceeding calendar year.

(h) It is the responsibility of the county attorney to enforce the provisions of this article, according to the county court rules of criminal procedure.

(i) The board of county commissioners may seek civil relief, including, but not limited to, injunctive relief and mandamus, to enforce the provisions of this article.

Sec. 11-219. Penalty.

Subject to the provisions of C.R.S. § 30-28-124, any person, firm, corporation or legal entity which owns, leases or operates a minor or major oil and gas facility, and which constructs, installs or uses, or which causes to be constructed, installed or used, any minor or major oil and gas facility without first receiving approval from the board of county commissioners, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$100.00 per day of violation, per violation, or by imprisonment in the county jail for not more than ten days, or by both such fine and imprisonment. In addition, the county may also seek civil penalties and relief pursuant to the provisions of C.R.S. § 30-28-124.5.

Sec. 11-504. Enforcement and penalties—Violation of zoning regulations.

The board of county commissioners may provide for the enforcement of the zoning regulations contained within this chapter and related zoning resolutions, regulations and building permits, by means of the withholding of building permits and other actions, as specified below:

(1) It is unlawful to erect, construct, reconstruct, alter or use any building, structure or land in the county in violation of the zoning provisions of this chapter or any amendment thereof, and all other associated county resolutions and regulations, as provided for in C.R.S title 30, art. 28.

(2) It is unlawful to erect, construct, reconstruct, alter or use any building, structure or land in the county without first obtaining from the county a building permit as provided for and required by C.R.S title 30, art. 28, these regulations, other county zoning related resolutions and regulations and the edition of the International Building Code adopted by the county at any given time.

(3) It is unlawful to occupy a building prior to the issuance of a certificate of occupancy by the county building inspector, as provided in the county building permit regulations.

(4) The authority, procedures and powers of the county zoning official designated by resolution of the board of county commissioners to enforce the zoning provisions of these regulations and other county zoning related zoning resolutions and regulations shall be as provided for in C.R.S title 30, art. 28.

(5) The authority, procedures and powers of the county building inspector designated by resolution of the board of county commissioners to enforce the edition of the International Building Code adopted by the county at any given time shall be as specified in C.R.S title 30, art. 28.

(6) The authority, powers and procedures of the county attorney to act in regard to the enforcement of the zoning provisions of this chapter, other county zoning related resolutions and regulations and the edition of the International Building Code adopted by the county at any given time shall as specified in C.R.S title 30, art. 28.

(7) The penalties and the provisions and procedures relating to those penalties for zoning violations shall be as specified in C.R.S title 30, art. 28.

(8) All other authority, processes and procedures regarding the enforcement, violation and penalties of the zoning provisions of these regulations, other county zoning related resolutions and regulations and the edition of the International Building Code adopted by the county at any given time shall be as specified in C.R.S title 30, art. 28.

Sec. 11-685. Excavations and right-of-way openings for subsurface utilities.

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e. Penalty permit. A penalty permit shall be issued to any contractor commencing work prior to obtaining a right-of-way cutting permit. The fee for this permit shall be as established in the fee schedule and cover the foregoing plus a penalty.

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(5) Penalty permit. This permit shall be issued to any excavator commencing work prior to obtaining a basic right-of-way cutting permit. Failure by the excavator to notify the county inspector as stated in subsection (1)(1) of this section may result in revocation of the original permit and issuance of a penalty permit. The fee for this permit shall cover the foregoing plus a penalty in the amount established in the fee schedule.

Sec. 14-67. Enforcement, violations, and penalties.

(a) Violation of this article shall constitute a Class 2 petty offense. Violations of this article may be enforced through the penalty assessment procedure set forth in C.R.S. § 16-2-201.

(b) Any law enforcement officer or code enforcement official of the county is authorized to issue citations, summons, and complaints for violation of this article. It is the duty of the county sheriff, undersheriff, and deputies to enforce this article as provided for in C.R.S. § 30-15-410.

(c) The graduated fine schedule for the penalty assessment procedure is as follows:

(1) \$30.00 for the first violation.

(2) \$60.00 for the second violation within 12 months of the first violation.

(3) \$300.00 for each successive violation within 12 months of the prior violation.

(d) In addition to any other penalty, persons convicted of a violation of this article shall pay the customary courts costs when applicable.

(e) All fines and penalties shall be deposited into the general fund of the county.

(f) It is the responsibility of the county attorney to enforce the provisions of this article, according to the county court rules of criminal procedure.

(g) The board of county commissioners may seek civil relief, including, but not limited to, injunctive relief and mandamus, to enforce the provisions of this article.

Sec. 17-61. Penalty.

Any violation of the provisions of this article by an individual shall be punishable by a fine of not more than \$300.00 for each violation or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment.

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

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

Section 8. This ordinance shall become effective 30 days after final publication.

INTRODUCED, READ, and ORDERED PUBLISHED on first reading the 25th day of MARCH 2025.



ATTEST:

County Clerk and Recorder and
Ex-Officio Clerk to said Board

BOARD OF COUNTY COMMISSIONERS
OF HUERFANO COUNTY, COLORADO

BY _____
Karl S. Sporleder, Chairman

Mitchell Wardell, Commissioner

James L. Chamberlain, Commissioner