

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2020-191

AN ORDINANCE AMENDING SECTIONS 4-111, 5-111, 5-113, 6-6, 6-42, 6-46, 6-63, 6-83, 6-111, 6-133, 6-135, 6-161, 6-186, 6-189, 7-62, 7-131, 8-87, 15-4, 16-62, 17-13 AND 17-51 OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING THE REFERRAL OF THE TOWN'S FEES, RATES AND CHARGES TO THE TOWN FEE SCHEDULE

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the Town Council has authority to establish a consolidated schedule of the Town’s fees, rates and charges that are levied and assessed for municipal services and, concurrently herewith, is adopting such a consolidated schedule to be known as the Town Fee Schedule; and

WHEREAS, to provide consistency and uniformity in the Johnstown Municipal Code (“Code”), the Town Council desires to omit the amount of the Town’s fees, rates and charges from the Code and, rather, refer the amount of such fees, rates and charges to the Town Fee Schedule; and

WHEREAS, to effectuate the foregoing, Town Council finds, determines and declares that this Ordinance is promulgated under the general police power of the Town and is in the best interests of the Town of Johnstown.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Subsections 4-111(a) and (b) of Article VIII of Chapter 4 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 4-111. Penalties; assessment.

- (a) *Penalty.* A penalty and interest on the unpaid balance shall be imposed upon the vendor and become due in the event the tax is not remitted by the twentieth day of the month as required by this Article, or such other date as prescribed by the Town, in the amount set forth by resolution of the Town Council in the Town Fee Schedule.
- (b) *Penalty due to fraud.* If the Town Manager determines that the tax is not paid due to fraud with the intent to evade the tax, then, in lieu of the penalty set forth in Subsection (a), the Town Manager shall add a penalty to account for the fraud in the amount set forth by

resolution of the Town Council in the Town Fee Schedule, in addition to interest on the unpaid balance.

Section 2. Section 5-111 of Article IV of Chapter 5 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 5-111. Application.

At the time of making an application for a franchise within the Town or at the time of application for a transfer or renewal of an existing franchise, the franchisee shall make a partial payment of the franchise expenses of the Town in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

Section 3. Subsection 5-113(1) of Article IV of Chapter 5 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

- (1) In the event that the expenses incurred by the Town, as set forth above, are less than the franchisee's initial deposit, the Town shall deduct the expenses incurred and provide an accounting of the remaining deposit.

Section 4. Section 6-6 of Article I of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-6. Fees.

Fees and charges for licenses or permits shall be paid in the amount set forth by resolution of the Town Council in the Town Fee Schedule and, in the absence of any specific provision to the contrary, shall be paid in advance at the time application therefor is made to the Town Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license or permit fee shall be prorated by quarters in the absence of any specific provision to the contrary and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license or permit fees shall become a part of the General Fund.

Section 5. Section 6-42 of Article II of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-42. Application.

Any person, partnership, association or corporation desiring to obtain a pyrotechnic display sale permit shall file an application therefor with the Fire Chief, which application shall be accompanied by an application fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule, shall be signed by at least one (1) person twenty-one (21) years of age or older who shall be responsible for the operation under this permit, and which application shall contain the following:

1. The name and address of the applicant;
2. The names and addresses of the officers, if any, of the applicant;
3. The location where the applicant will sell fireworks;

4. The date when the applicant was organized and established if the applicant is an association, partnership or corporation;
5. The names and addresses of all wholesalers or distributors from whom the applicant proposes to purchase pyrotechnic displays for resale;
6. The applicant's state sales tax permit number;
7. The manner, method and times when and how the applicant proposes to sell pyrotechnic displays;
8. Such other information as the Fire Chief may require in order to complete the investigation required by Section 6-43; and
9. A statement that the applicant has been licensed by the Secretary of State to make such sale.

Section 6. Section 6-46 of Article II of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-46. Cleanup bond.

Every person granted a pyrotechnic display sale permit shall post with the Town Clerk a cash bond or an approved letter of credit or guaranty from a banking institution authorized to do business in the state, in the amount set forth by resolution of the Town Council in the Town Fee Schedule, to guarantee the prompt removal of any temporary pyrotechnic display sale stand and the cleaning up of the debris from the site of any temporary pyrotechnic display sale stand, which bond shall be returned to the permit holder only in the event he or she removes the temporary stand and cleans up all of the debris to the satisfaction of the Fire Chief. In the event that the permit holder shall fail to so remove the stand and the debris, the cash bond or the money guaranteed by the letter of credit or letter of guaranty shall be forfeited to the Town. In no event shall the permit holder be entitled to the return of the cash bond if he or she fails to remove the temporary pyrotechnic display sale stand and clean up all of the debris therefrom by noon on July 7 of the year in which the permit is granted.

Section 7. Section 6-63 of Article III of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-63. Application; contents.

Any person desiring to conduct a public display of fireworks or pyrotechnic display shall submit an application therefor to the Fire Chief, together with an application fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule, which application shall contain the following information:

1. The name of the organization sponsoring the display, together with the names of the persons to actually be in charge of the display;
2. The date, time and exact location on which the display is to be held;
3. The name of the pyrotechnic operator who is to supervise the discharge of the fireworks;
4. The class of fireworks to be discharged, the number of set pieces and shells (specifying single or multiple break), and other items including experimental or model rockets or missiles, which shall be activated at such display;
5. The manner and place of storage of such fireworks prior to and during the display;

6. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph and telephone lines, or other overhead obstructions;
7. Proof that satisfactory compensation insurance is carried for all employees;
8. Proof of public liability insurance in an amount required by the Town; and
9. In the Town's discretion, proof that the applicant has obtained a performance bond conditioned on compliance with the provisions of this Article in a sum required by the Town.

Section 8. Section 6-83 of Article IV of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-83. Fee.

The license fee for each license required by this Article shall be in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

Section 9. Section 6-111 of Article VI of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-111. License fee; when payable.

There shall be an annual license fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule for each coin-operated game machine within the Town. This fee shall be paid by the operator of the business to the Town on March 1 of each year.

Section 10. Subsection 6-133(b) of Article VII of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-133. Application; application fee.

- b) At the time of the filing of the application, a fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule shall be paid to the Town Clerk to cover the cost of investigating the facts stated herein.

Section 11. Subsections 6-135(a) and (b) of Article VII of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-135. License fee.

- a) The license fee, which shall be charged in advance by the Town Clerk for any such license, shall be in the amount set forth by resolution of the Town Council in the Town Fee Schedule.
- b) An annual license and permit may be obtained by paying in advance to the Town Clerk an annual fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule. This license shall be kept in full force and effect by submitting to the Town Clerk, after each thirty (30) day period during which the annual license is in force, a sworn statement setting forth that the facts as contained in the original application still remain the same as set forth therein. If such written statement is not filed at the end of every thirty (30)

day period during which the annual license is to be in full force and effect, the Town Clerk may suspend the license and any such business carried on after the suspension of the license shall be deemed a violation of this Article.

Section 12. Subsections 6-161(c) and (d) of Article VIII of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-161. Application and licensing required for tree trimmers.

- c) No such license shall be issued until the applicant therefor has presented to the Town Clerk a satisfactory liability insurance policy in the amount required by the Town. Said policy coverage is to extend to all operations of the licensee and shall be written according to local custom and practice for the benefit and protection of the Town and the people therein. Such insurance policy shall require at least thirty (30) days' advance notice to the Town before cancellation. In the event of the cancellation or termination of any such required insurance policy during the license term, the license shall be terminated and the holder thereof shall surrender the same to the Town Clerk unless the licensee presents to the Town Clerk a substitute insurance policy meeting the requirements of this Section.
- d) No license shall be issued hereunder until the applicant has paid a license fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule. Every license issued hereunder shall expire one (1) year after the date of its issuance. Renewal applications may be submitted at the office of the Town Clerk within thirty (30) days of the date the license will expire.

Section 13. Subsections 6-186(c) and (d) of Article X of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-186. Forms; fees; validity.

- c) The contractor shall pay a non-refundable fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule, due and payable with the submission of the contractor licensing application, which fee shall be applied to offset the Town's costs associated with regulating the Building Code and administering the contractor licensing program.
- d) A contractor's license is valid for a period of one year from the date of issuance, and may be renewed by payment of a renewal fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

Section 14. Subsection 6-189(c) of Article X of Chapter 6 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 6-189. Disciplinary procedures, violations and penalties.

- c) *Town Council.* An appeal to the Town Council shall be in writing, filed with the Town Clerk and allege with particularity the errors and omissions contained in the Town Manager's order. The contractor shall, at that time of making such appeal, pay to the Town Treasurer a docket fee in the amount set forth by resolution of the Town Council in

the Town Fee Schedule. Written notice of the hearing shall be given to the contractor and to any other parties concerned at least five (5) days prior to the hearing. The contractor shall have the burden of proof on appeal. Within thirty (30) days of the hearing, the Town Council shall make its final determination and affirm, modify or reverse the Town Manager's order. The decision of the Town Council shall be final and conclusive, except as provided by the laws of the State of Colorado.

Section 15. Subsection 7-62(a) of Article IV of Chapter 7 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 7-62. Persons served by water taps to receive service and pay the costs and billing.

- a) All persons and businesses receiving collection and removal for garbage, ashes, trash and other waste materials shall be billed and shall pay said charges monthly with their water bill in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

Section 16. Section 7-131 of Article VII of Chapter 7 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 7-131. License; duplicate tags; ownership changes.

- a) In the event a tag issued pursuant to this Article is lost or destroyed, a new or duplicate tag may be obtained from the Town Clerk upon payment of a duplicate tag fee.
- b) In the event the ownership of a licensed dog or cat is changed, the new owner must license such dog or cat within thirty (30) days of ownership in accordance with the provisions of this Article and pay to the Town Clerk a license fee.
- c) The fees referenced in this section shall be in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

Section 17. Section 8-87 of Article VI of Chapter 8 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 8-87. Inspection and permitting requirements.

The Golf Car shall be inspected for safety and for the required equipment by the Johnstown Police Department every three (3) years and issued a Town permit sticker. The Golf Car owner must show proof of a current driver's license and complying insurance at the time of inspection and permitting. The permit fee shall be in the amount set forth by resolution of the Town Council in the Town Fee Schedule. A copy of the ordinance regulating the operation of Golf Cars on the Town streets and roadways and a copy of Johnstown Police Department Rules and Regulations, if any, shall be provided to the Golf Car owner at the time of inspection and permitting.

Section 18. Subsection 15-4(a) of Article I of Chapter 15 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 15-4. Procedure prior to approval or denial of petition; approval or denial.

- a) The petition for annexation shall be filed with the Town Clerk at least two (2) weeks prior to the Planning and Zoning Commission meeting on the third Wednesday of each month at

which such petition shall be considered. The petition shall be accompanied by an annexation filing fee in the amount set forth by resolution of Town Council in the Town Fee Schedule.

Section 19. Subsection 16-62(b) of Article V of Chapter 16 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 16-62. Procedure.

- b) *Filing.* A petition for change or amendment submitted by a private property owner shall be prepared in triplicate on forms provided for such purpose and filed with the Town Clerk, and shall be accompanied by a fee to defray the cost of giving notice, investigation and other administrative processing in the amount set forth by resolution of the Town Council in the Town Fee Schedule.

Section 20. Section 17-13 of Article II of Chapter 17 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 17-13. Fees.

- (a) There shall be a fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule for the following:
 - (1) Preliminary plats and final plats;
 - (2) Plats for each filing; and
 - (3) Recordation of the plats.
- (b) The fees shall be paid at the time of submission of such plats to the Town.

Section 21. Subsection 17-51(b) of Article IV of Chapter 17 of the Johnstown Municipal Code shall be repealed and readopted to read as follows:

Sec. 17-51. Dedication.

- b) In addition to such conveyance of land as set forth under Subsection (a) above, a park fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule shall be collected per lot at the time the building permit is issued from the party obtaining said building permit. Such fee shall be deposited in a special fund to be accounted for separately and used only for improvements to parks and not for land acquisition.

Section 22. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 23. Code revisions. Minor changes such as the format and other related changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content of this Ordinance be altered by such changes.

Section 24. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town's Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective on January 1, 2021. Copies of the entire Ordinance shall be available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor