

ORDINANCE NO. 16-2022

AN ORDINANCE ADOPTING BY REFERENCE AND ENACTING A NEW TOWN CODE FOR THE TOWN OF PALMER LAKE, 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.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF PALMER LAKE, COLORADO:

Section 1. The code entitled "Palmer Lake Municipal Code" published by Municode, consisting of Chapters 1 through 17, 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of the Palmer Lake Municipal Code, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed.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in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.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 following codes and rules and regulations were adopted by reference and incorporated in the Palmer Lake Municipal Code. One (1) copy of each such code is on file in the town office:

- (1) The *Pikes Peak Regional Building Code*, 2017 edition, published by the Pikes Peak Regional Building Department, as adopted and amended in chapter 14.04.
- (2) The *Model Traffic Code*, 2020 edition, published by the state Department of Transportation, Safety, and Traffic Engineering Branch, as adopted in chapter 10.04.
- (3) The *Standard Specifications for Road and Bridge Construction*, 1991 edition, published by the state Department of Transportation, as adopted in chapter 12.08.
- (4) The *El Paso County Engineering Criteria Manual*, published by El Paso County, as adopted in chapter 12.03.
- (5) The 2020 edition of the *National Electrical Code* as adopted by the State of Colorado as the State of Colorado electrical code, as adopted in Section 14.04.010(L).

- (6) The 2018 edition of the *International Plumbing Code*, as amended and adopted by the State of Colorado, as adopted in Section 14.04.010(M).

Section 5. The penalty provisions set forth in the Palmer Lake Municipal Code are hereby adopted as follows:

1.12.010. General penalty.

(a) Unless otherwise specifically provided in the relevant Code provisions, any person convicted of violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the town shall be guilty of a petty offense. A person convicted under this Code shall be punished by a fine of not more than \$2,650.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(b) Any such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the town, is committed, continued or permitted by any such person, and he shall be punished accordingly.

(c) In addition to the penalties set forth in subsection (a) of this section, violations of this Code may be abated by the town through injunctive or other equitable relief and by such other means as provided by law.

(d) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions under the provisions of this Code or other applicable law.

1.12.020. Minor offenders.

(a) For the purposes of this section, a "minor offender" is defined as any person accused of an offense pursuant to this Code who, on the date of the alleged offense, was at least ten years of age, but had not yet attained the age of 18 years.

(b) Any minor offender convicted of violation of this Code shall be punished by a fine of not more than \$2,650.00, unless provided otherwise by the specific Code provisions alleged to have been violated.

(c) Nothing contained in this chapter shall be construed to abrogate, abolish, or otherwise limit the power of the municipal court to confine a minor offender arrested for an alleged violation of this Code or convicted of a violation thereof, or who is before the court for contempt of court, whether by failure to obey a summons, subpoena, or other lawful order of the court, including an order to pay a fine, or by personal conduct before the court. Pursuant to C.R.S. § 13-10-113, the municipal court may, however, only confine a minor offender in a juvenile detention facility operated by or

contracted by the state department of human services or a temporary holding facility operated by or under contract with a municipal government.

Any confinement of a child for contempt of municipal court or for violation of probation conditions shall not exceed 48 hours.

(d) The presiding judge of the municipal court may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the municipal court as he may, from time to time and consistent with state law, deem appropriate.

2.24.090. Penalty for adult.

Any adult convicted in the municipal court of a violation of any ordinance of the town may be punished according to chapter 1.12; provided, however, that any lesser penalty than that which is permitted herein may be expressly provided for by ordinance of the town or by laws of the state and in such cases, such lesser penalty shall be controlling upon the municipal court.

2.24.100. Penalty for juvenile.

Any child convicted in the municipal court of a violation of any ordinance of the town may be punished according to chapter 1.12.

5.04.160. Enforcement and fines.

In addition to any other remedies available to the town, this chapter may also be enforced in the municipal court or any court of competent jurisdiction. The municipal court is authorized to revoke a business license for non-compliance with this chapter, in addition to any other remedies authorized by law. Any person who violates the requirements of this chapter may be punished in accordance with the general penalty provisions set forth in chapter 1.12.

5.04.170. Renewal of license.

(a) At any time within 60 days prior to the expiration of the current license, a licensee may make application for a license renewal for the succeeding year and pay the required fees. Unless otherwise provided by this title, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of the current license, and upon payment of the required fee, the licensee may continue the business for the succeeding period unless or until the application for license renewal is denied. Within 30 days, a renewal application will be mailed to the business owner.

(b) In the event a suspension or revocation proceeding is pending when the licensee applies for renewal, the business may continue during the pendency of the proceeding, but the renewal application shall not be acted upon until the suspension or revocation proceeding has been completed and the time to appeal such decision has expired.

(c) Every renewal application shall be evaluated in accordance with the requirements of this title applicable to the initial issuance of a license. In addition to local compliance, if there are more than two findings of complaints about the business operation on file with the town, the clerk shall inform the business owner and schedule a review of the license renewal before the town board of trustees to determine renewal or a conditional license with criteria to address within another six or 12 months of the succeeding licensing year.

(d) Whenever any renewal application and accompanying license fee payment is not received on or before the expiration date of any license issued for the current license term, and the licensee continues to engage in the business for which the license was issued, a penalty fee in the amount set by resolution of the board of trustees shall be imposed for each month of delinquency. The town clerk shall be authorized to waive or adjust any and all of such penalty and additional fee whenever in the clerk's judgment the delinquency is not the fault of the licensee or when collection or payment would constitute an injustice.

(e) The failure of a licensee to exercise the privilege of renewal granted under a license for a period of 60 days beyond the expiration of the license shall be apparent evidence that the renewed license is abandoned.

5.08.130. Violation, penalty and enforcement.

(a) It is unlawful for any owner, local agent, other agent of the owner or renter to violate any provision of this chapter.

(b) In addition to the suspension and revocation actions set forth in this chapter, violations of this chapter are subject to the penalties set forth in this Code.

(c) Any violation of this chapter shall constitute a nuisance under this Code and may be subject to the abatement procedures set forth in municipal code.

(d) This section shall not be construed to prohibit the town from taking any action permitted by law or in equity to remedy a violation of this chapter, including, but not limited to, seeking an injunction in any court of competent jurisdiction.

5.36.100. Penalty.

Any person, firm or corporation who violates a provision of this chapter shall be considered to have committed a civil infraction and not a crime, and upon a finding of guilty or entry of a plea of guilty or entry into a plea agreement, shall be subject to a fine not to exceed \$2,650.00.

Each day upon which such infraction continues shall constitute a separate infraction. Nothing herein shall prevent the town from utilizing any and all other remedies available to the town.

7.08.120. Penalty for violations.

Violations of this chapter, or any part thereof, shall be punished according to chapter 1.12; provided, however:

(1) Conviction of section 7.08.030 shall subject any person convicted of the violation thereof a minimum fine of \$30.00 for the first offense; \$60.00 for the second offense; and \$90.00 for the third offense.

(2) Conviction of section 7.08.080 shall subject any person convicted of the violation thereof a minimum fine of \$50.00 for the first offense; \$100.00 for the second offense; and \$150.00 for the third offense.

(3) Conviction of section 7.08.100 shall subject any person convicted of the violation thereof a minimum fine of \$30.00 for the first offense; \$60.00 for the second offense; and \$90.00 for the third offense.

7.12.100. Penalty for violations.

Violations of this chapter, or any part thereof, shall be punished according to chapter 1.12; provided, however, that conviction of section 7.12.040 shall subject any person convicted of the violation thereof a minimum of \$30.00 for the first offense; \$60.00 for the second offense; and \$90.00 for the third offense.

8.08.120. Weeds, brush, leaves, pine needles or litter.

It shall be unlawful for weeds, brush, leaves, pine needles or litter, as defined in section 8.16.020, to be allowed to accumulate on property within the town. The town shall give written notice of abatement to the occupant and mail notice to the owner of the property where weeds, brush, leaves, pine needles or litter has been allowed to accumulate directing the occupant and/or owner to remove same. Failure to remove same within 48 hours, or such other time as is specified in the notice, shall authorize the town to enter onto said property and to remove and dispose of same in whatever manner the town shall determine to be appropriate. If the town has to remove same, the town shall assess the whole cost of such removal and disposal, including all incidental costs incurred in connection therewith, plus an additional five percent for inspection, and shall give written notice of assessment to the owner and the occupant by personal service or by certified mail return receipt requested. The assessment shall be a lien against each lot or tract of land from which the weeds, brush, leaves, pine needles or litter has been removed, until paid in full, and shall have priority over all other liens except general taxes and prior special assessments. In case such assessment is not paid within 60 days from the date of the assessment notice, the assessment may be certified by the town clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of the state for assessment

and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment.

8.28.040. Penalty for violations.

Any person found guilty of violating any provision of this chapter shall be punished as follows:

(1) For any violation involving fireworks, open burning or an open fire, to include without limitation prohibited or unlawful recreational fires, a minimum fine amount of \$1,000.00 and, in the discretion of the court, up to a maximum of one year in jail.

(2) For any violation involving prohibited smoking during town stage 2 fire restrictions, a minimum fine amount of \$500.00 and, in the discretion of the court, up to a maximum of one year in jail.

(3) For any violation other than a violation set forth in subsection (a) or (b) of this section, a penalty in the discretion of the court and as allowed by the general penalty provision set forth in this Code.

9.04.030. Penalty for violations.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm, or corporation shall be punished according to chapter 1.12.

9.36.070. Penalty for violations.

Any person violating the provisions of this chapter or chapter 9.16 shall, on conviction thereof, be fined according to chapter 1.12.

9.40.010. Penalty.

Any person who is drunk or is in a state of intoxication in any public place in the town or is drunk or disorderly in any private place within the town, shall, upon conviction thereof, be fined according to chapter 1.12.

9.44.050. Penalties.

The following penalties herewith set forth in full shall apply to this chapter:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

(2) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in accordance with the general penalty in chapter 1.12.

9.48.070. Street obstruction—Penalty for violation.

Any person violating any of the provisions of sections 9.48.010 through 9.48.060 shall, on conviction thereof, be fined in accordance with chapter 1.12.

9.48.090. Destroying public property—Penalty.

Any person violating any of the provisions of section 9.48.080 shall, on conviction thereof, be fined according to chapter 1.12.

9.52.020. Penalty for violations.

Every person convicted of a violation of this chapter shall be fined according to chapter 1.12.

10.04.020. Penalty assessments.

Any person who violates any provision of section 10.04.010 is guilty of a misdemeanor and, upon conviction thereof, shall be punished according to chapter 1.12.

10.28.040. Penalty.

Any persons and/or company upon conviction shall be punished in accordance with the general penalty in chapter 1.12.

13.08.040. Penalties.

The following penalties, herewith set forth in full, shall apply to this chapter:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

(2) Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished in accordance with the general penalty in chapter 1.12.

13.20.130. Waste of water prohibited.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs.

13.24.090. Enforcement.

(a) Every law enforcement officer of the town shall, in connection with his duties imposed by law, diligently enforce the provisions of this chapter.

(b) The town police chief is authorized to issue a first-time verbal warning for the first offense; however, in the town police chief's discretion, he may

issue a citation if he determines that the violation is flagrant. Any oral or written warning will be documented by the person giving same. All subsequent offenses will be cited into municipal court. Violation of this chapter shall be punished in accordance with the general penalty section of chapter 1.12.

(c) Discontinuance of service. In addition to or in place of any fine or imprisonment, the mayor, upon the recommendation of the water supervisor, shall have the authority to enforce the provisions of this chapter by the discontinuance of water service in the event of violation hereof. The person affected shall have right of appeal as set forth in section 13.20.110. Upon discontinuance of water service, the same shall not be reestablished until satisfactory assurances are received by the town that further violations of this chapter will not occur and until the person has complied with section 13.08.130, including paying for the turning off and turning on of the water service.

(d) The town police chief or his designee shall have the right to enter onto any property within the town in accordance with section 1.12.010 to inspect any complaints of violation of this chapter.

14.20.070. Violations; penalties; enforcement.

(a) The Town shall review all exterior lighting plans for compliance with this chapter and has the right to inspect all installations of exterior lighting for compliance.

(b) Prosecution for a first violation of this chapter will follow after the Town has issued a courtesy only notice to the property owner by hand delivery or by US mail addressed to the address of the violation with a request that the violation be removed or remediated within 30 days of the date the notice is delivered or placed in the mail. No such notice will be provided for any allegations of a second violation at such address.

(c) The penalty for violation of any portion of this chapter shall be:

(1) First violation: A minimum fine of \$50 per non-compliant light fixture.

(2) Second and subsequent violations: A minimum fine of \$100 per non-compliant light fixture.

(d) Each and every day that a violation continues shall be a separate offense.

16.64.020. Penalty for violations.

Any individual or person acting as a subcontractor or as an agent for a subdivider who is found guilty of violating any of the provisions of this title is guilty of a misdemeanor and shall, upon conviction, be punished according to the general penalty in chapter 1.12. The sale of each and every lot sold in

violation of this title is considered a separate violation. These penalties shall be in addition to any others that may be imposed.

17.64.090. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this regulation and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to penalty as provided in chapter 1.12.

17.104.040. Penalty; nuisance declared.

(a) It is unlawful for any person to violate any of the provisions of this section. Any such violation is hereby designated a criminal offense, and any person found guilty of violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine or imprisonment or both pursuant to section 1.12.010. Each day that a violation of any of the provisions of this section continues to exist shall be deemed a separate and distinct violation.

(b) The conduct of any activity or business in violation of this section is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the abatement of nuisance provided for in chapter 8.04.

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

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

Section 8. The Board finds, determines and declares that this Ordinance is necessary for the immediate preservation of public health and safety in order to make this Ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assure that the purposes of this Ordinance are met. This Ordinance and the Palmer Lake Municipal Code shall become immediately effective upon the adoption hereof.

This Ordinance shall be in full force and effect following adoption and approval by the Board, thirty (30) days following its publication.

INTRODUCED, READ, PASSED, AND PUBLIC NOTICE ORDERED PUBLISHED at a regular meeting of the Board of the Town of Palmer Lake, Colorado, this 10TH day of November, 2022.

Public Notice Publication Dates: 10/26/2022 and 11/2/2022

INTRODUCED A SECOND TIME at a regular meeting of the Board of the Town of Palmer Lake, Colorado held on _____, 2022 PASSED, ADOPTED AND ORDERED PUBLISHED.

TOWN OF PALMER LAKE

William Bass, Mayor

Town Attorney: _____
Matthew Krob, Krob Law

ATTEST: _____
Dawn A. Collins, Town Clerk