



ORDINANCE 347

AN ORDINANCE OF THE CITY OF CREEDE, A COLORADO TOWN, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF CREEDE; 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.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, AS FOLLOWS:

Section 1: The Code entitled the Creede Municipal Code published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, with Tables and Index, is adopted.

Section 2: All ordinances of general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Creede Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance, which is repealed by this Ordinance.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 3: The following codes were previously adopted by reference and incorporated in the Creede Municipal Code. One (1) copy of each is on file in the City Clerk's office:

1. The International Building Code and International Residential Code, 2003 editions, published by the International Code Council, Inc., as adopted and amended in Section 18-2-10, et seq.

Section 4: The following codes are hereby adopted by reference and incorporated in the Creede Municipal Code. One (1) copy of each is on file in the City Clerk's office;

1. The Model Traffic Code for Colorado, 2003 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.;
2. The National Electrical Code, 2002 edition, published by the National Fire Protection Association, as adopted and amended in Section 18-3-10, et seq.;
3. The International Mechanical Code, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-4-10, et seq.;
4. The International Plumbing Code, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-5-10, et seq.; and
5. The International Fire Code, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-6-10, et seq.

Section 5: The penalties provided by the Municipal Code of the City of Creede are hereby adopted as follows;



(1) Sec. 1-4-20. General penalty for violation. (Chapter 1, Article 4, General Penalty)

Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Every day any such violation of this Code, or any other ordinance or resolution of the City or any rule or regulation promulgated under the provisions of this Code, continues shall constitute a separate offence.

(2) Sec. 1-4-30 Application of penalties to juveniles. (Chapter 1, Article 4, General Penalty)

Every person who, at the time of commission of the offense, was at least the (10) but not yet eighteen (18) years of age and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) Sec. 2-4-170 Contempt power. (Chapter 2, Article 4, Municipal Court)

- (a) The Municipal Court shall have power to compel attendance of witnesses and to punish for contempt of court. When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one hundred dollars (\$100.00), or a jail sentence not to exceed five (5) days, and shall have all powers incident to a court of record in relation to the same.
- (b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

(4) Suspension or revocation; fine. (Chapter 6, Article 1, Alcoholic Beverage Licenses)

- (a) Whenever a decision of the Board of Trustees, acting as the Local Licensing Authority (hereinafter "Authority"), suspending a retail license for fourteen (14) days or less become final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the Authority for permission to pay a fine in lieu of having his or her retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made, which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:
 - (1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
 - (2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - (3) That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately



preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

- (b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).
- (c) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash, certified check or cashier's check made payable to the City Clerk and shall be deposited in the General Fund of the City.
- (d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension.
- (e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.
- (f) If the Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.

(5) Sec. 7-3-30. Abatement. (Chapter 7, Article 3, Refuse Regulations)

- (a) Whenever the Board of Trustees shall direct, the City Manager or City Clerk shall immediately thereafter notify any owner of property by certified, return-receipt-requested mail, his or her agent or any person having charge of such property, in writing, that an order has been made by the Board of Trustees requiring the removal of any accumulated refuse from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property does not remove such refuse in accordance with the requirement of such order, the Board of Trustees may order that such refuse be removed by the City Manager or other Trustee and assess the cost thereof against the property or premises.
- (b) The amount so assessed shall be a lien upon such property until the same is paid; provided, however, that in case of failure to pay such assessment within ten (10) days after the same is made, the City Clerk shall cause a notice of such assessment to be given to the owner of such property, by publishing in a newspaper in the City for two (2) consecutive weeks, a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the Board of Trustees will hear any objections as to the adjustment and correctness of the amount so assessed. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the City Clerk shall certify such assessment to the County Treasurer, to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by state law.

(6) Sec. 7-4-40. Charges for City collection services. (Chapter 7, Article 4, Garbage Collection)

- (a) The Board of Trustees shall, by resolution, establish charges for collection service under this Article, prescribe the time and manner of payment of such charges and adopt measures

designed to enforce the payment thereof that, in its discretion, are necessary or desirable. Such resolution, when adopted, shall be of the same force and effect as if incorporated in this Section.

- (b) The amount of charges for garbage, rubbish, waste material and ashes collection service shall be a lien upon the property served until the same is paid. In case of failure to pay the established charges for garbage, rubbish, waste material and ashes collection service by the owner or person having the occupancy, control or management of any premises, within sixty (60) days after the time prescribed for payment of such charges by the Board of Trustees, the City Clerk shall cause a notice of such charge to be given to the owner of such property by publishing in a newspaper in the City, for two (2) successive weeks, a notice to such property owner of the amount of charges assessed against his or her property and that, if such charges are not paid within ten (10) days thereafter, the City Clerk shall certify such charges as assessed to the County Treasurer, to be placed by him or her on such tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by state law.

(7) Sec. 8-2-30. Snowmobile use restrictions. (Chapter 8, Article 2, Snowmobile Regulations)

(a) Location.

(1) The use of snowmobiles within the City shall not be allowed, except as follows:

- a. Along Fifth Street, Third Street, Wall Street, Loma Avenue and Capitol Avenue as a means of entering and exiting the City limits. Travel on the above streets for any other purpose shall be illegal. All routes from residences to the above exit streets shall be the most direct route.
- b. During emergencies as declared by the Mayor or, in his or her absence, the Chief of Police or Fire Chief, snowmobiles may be used for the purposes designated by the Mayor, Chief of Police or Fire Chief

(2) In addition to the above, a snowmobile may be operated on streets and highways under the jurisdiction of the City only when such operation is authorized by special ordinance or addition to this Code and appropriate notice is given thereof, and then only in the manner and on such streets prescribed by such ordinance consistent with the provision of state law.

- (b) Speed. The maximum speed of snowmobiles within the City limits shall be fifteen (15) miles per hour.
- (c) Right-of-way. Snowmobiles shall yield to all other street vehicles, all of which shall have the right-of-way.
- (d) Masts. All snowmobiles operating within the City limits shall have a five-foot mast attached to the snowmobile in a vertical position, with thirty (30) square inches of florescent flagging at the highest point of such mast.
- (e) Hours. Snowmobiles shall not be operated within the City except during daylight hours, without first obtaining permission from the Chief of Police.
- (f) Rallies. No rallies shall be held within the City without first obtaining written permission from the Chief of Police.





(g) Penalty. Violations of any provision of this Section shall be misdemeanors and punishable by a fine of not more than one hundred dollars (\$100.00).

(8) Sec. 10-8-100. Possession of cannabis. (Chapter 10, Article 8, Alcoholic Beverages and Drugs)

(a) For the purposes of this Section, the term cannabis shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake, or the sterilized seed of such plant, which is incapable of germination. The term cannabis concentrate means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, of tetrahydrocannabinols.

(b) It is unlawful to possess one (1) ounce or less of cannabis or cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It is unlawful openly and publicly to display or consume one (1) ounce or less of cannabis concentrate, and upon conviction thereof, or a plea of guilty or no contest thereto, punishment shall be as set out in Section 1-4-20 of this Code.

(d) The provisions of this Section shall not apply to any person who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act.

(9) Sec. 10-10-50. Penalties. (Chapter 10, Article 10, Noise)

(a) First offense: A first offense of any provision of this Article by a person shall result in a warning.

(b) Second offense: A second offense of any provision of this Article by a person shall be punishable by a fine of one hundred dollars (\$100.00).

(c) Third and subsequent offenses: A third and subsequent offense during a twelve-month period from the date of the first offense shall be punishable by a fine of two hundred fifty dollars (\$250.00). Each subsequent offense within the twelve-month period shall be punishable by a fine of five hundred dollars (\$500.00).

(d) Payment deadline: All fees must be paid within twenty (20) days of receipt of notice. If fees are paid after the twenty (20) days, an additional fee of ten dollars (\$10.00) will be charged.

(10) Sec. 11-1-20. Snow and ice removal from sidewalks. (Chapter 11, Article 11, Streets and Sidewalks)

(a) Purpose and scope. The purpose of this Article is to require, according to the terms hereof, responsible parties to remove snow and ice from sidewalks immediately adjacent to structures owned or occupied by them and to require such removal within a specified period of time.

(b) Definitions. The following definitions shall apply herein:



- *Period of time* means a twenty-four-hour period from the point in time that snow, as defined herein, commences to fall or that point in time when an accumulation of snow creates a hazardous condition, whichever comes sooner.
- *Responsible party* means that person, partnership, corporation or other legal entity against which action may be taken for violation of this Article. *Responsible party* may be, but not by way of limitation, the owner, lessor, lessee, sub-lessee or occupant of any structure. *Responsible party* shall also mean the person owning, leasing, occupying or otherwise claiming a legal interest in and to a particular lot, building or parcel within the City, and which lot, building or parcel has a sidewalk adjacent to, in or on any side on any street within the community.
- *Sidewalk* means any structure of any material, which had been placed upon the ground or otherwise installed adjacent to any street within the boundaries of the City, which is utilized as a sidewalk, for the purpose of permitting the safe passage of persons on foot about the community, adjacent to said street.
- *Snow* means any form of precipitation in the frozen form, be it snow, sleet, hail, freezing rain or a build-up and accumulation of any of the foregoing, causing a hazardous condition to persons attempting to use the sidewalk.

(c) Penalty.

- (1) It shall be unlawful for any person, firm, corporation or responsible party to permit the accumulation of snow on any sidewalk within the City, for a period of time in excess of that set forth herein.
- (2) Any person violating any provision of this Section shall be guilty of a misdemeanor and will be punished in accordance with the provisions of Section 1-4-20 of this Code.

(d) Declaration of nuisance. The Board of Trustees hereby declares that the accumulation of snow on any sidewalk within the City constitutes a public nuisance and may, therefore, in addition to the penalty provision set forth above, cause such accumulation to be removed from any offending sidewalk. The cost of such removal shall be billed to the owner of such property or the responsible party and shall be treated as a portion of that person's utility indebtedness; and for nonpayment, such public utilities may be terminated until payment is made in full.

(11) Sec. 11-2-50. Penalties. (Chapter 11, Article 2, Excavations)

Any violations of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. In addition, the City may seek an injunction against continued operations which violate this Article.

(12) Sec. 13-2-20. Limitation of liability. (Chapter 13, Article 2, Ownership and Operation of Facilities)

(a) It is expressly stipulated that no claim for damages shall be made against the City by reason of the following: blockage in the system causing the backup of effluent; damage caused by "smoking" of lines to determine drainage connections to City lines; breakage of water or sewer main lines by City personnel; interruption of water or sewer service and the conditions resulting therefrom; breaking of any collection or service line, pipe, valve or meter by any employee of the City; failure of the water supply; shutting off or turning on



water; making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service lines and other facilities not owned by the City; damage to water heaters, boilers or other appliances resulting from shutting water off, or for turning it on, or from inadequate or sporadic pressures; or for doing anything to the systems of the City deemed necessary by the Board of Trustees or its agents.

- (b) The City shall have no responsibility for notification to customers of any of the foregoing conditions. The City reserves the right to discontinue temporarily service to any property at any time for any reason deemed necessary or appropriate by Board of Trustees. The City shall have the right to revoke service to any property for violations of this Chapter in accordance with the procedures set forth in this Chapter.

(13) Sec. 13-3-60. Cancellation of application. (Chapter 13, Article 3, Conditions of Use of Utility Systems)

The City reserves the right to revoke any prior approval of an application before service has been provided and, thereafter, for any violation of this Chapter.

(14) Sec. 13-3-70. Moved or destroyed buildings. (Chapter 13, Article 3, Conditions of Use of Utility Systems)

When buildings are moved or destroyed, the original tap authorization shall terminate, and no credit shall be authorized for System Development Fees paid previously with respect to said building. However, the original tap shall remain in good standing, provided that uninterrupted payment of the City's minimum service charge (as the same may be amended from time to time) is made. If payment of the minimum service charge ceases for any reason, said tap shall be in violation of this Chapter, and the tap shall be revoked. Nonpayment within thirty (30) days of the billing shall be considered cessation of payment of the minimum service charge.

(15) Sec. 13-3-80. Change in customer's equipment, service or use of property. (Chapter 13, Article 3, Conditions of Use of Utility Systems)

- (a) No change in the customer's equipment, service or use of property served shall be made without the prior notification of and approval by the City. Any such change which, in the opinion of the City, will increase the burden placed on the City's utility systems by the customer shall required a re-determination of the System Development Fees and monthly service charge and a payment by the customer of any additional System Development Fees and monthly service charge resulting from the re-determination.
- (b) Any violation of Section 13-3-90 below shall result in the assessment of an unauthorized connection fee, and the City shall take those steps authorized by this Chapter and state law regarding the collection of said fees.
- (c) Any customer believed to have changed the equipment, service or use of his or her property in violation of this Section shall be notified of such belief by the City, shall be notified of the City's intent to assess any additional System Development Fees, service or unauthorized connection fees and shall be afforded ten (10) days in which to respond to the City's notice. Failure to respond as required herein within the ten-day period shall be deemed the establish the City's belief concerning the nature and extent of the change, and such additional System Development Fees, service and unauthorized connection fees as are deemed appropriate by the City shall be assessed against the property in question and shall be collected as provided under this Chapter and state law. To defer the collection of said fees, and as a prerequisite to the right to hearing as provided for and described in Article 7 of this Chapter, any response



by the customer must, in addition to being provided in ten (10) days, include permission to make such inspection of the property in question as the City Manager deems necessary to clearly establish the nature of equipment, service and use of the property in question.

(16) Sec. 13-4-10. Unauthorized tampering with systems. (Chapter 13, Article 4, Water, Storm Drainage and Sewer Systems)

- (a) No unauthorized person shall uncover, use, alter, disturb, make any connection with or opening onto, use, alter or disturb the water, storm drainage or sewer system without first obtaining a written permit from the City. Unauthorized uses of the City's systems include, but are not limited to, an unauthorized turn-or or turn-off of water, storm drainage or sewer service, or tampering or in any way modifying any meter, even though the same may be performed on a privately owned and maintained service line.
- (b) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any portion of the City's system.
- (c) Any person who violates the provisions of this Section shall be prosecuted to the full extent of state law.
- (d) Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by reason of such violation and, upon nonpayment thereof, at the demand of the City Manager, shall be assessed a penalty in an amount set forth in the City's fee schedule. Said penalty shall be a lien upon the violator's property, as allowed by Section 32-1-1001, C.R.S., or a lien upon the property concerning which the violator was providing services at the time of the violation in question, whichever the City Manager deems appropriate.

(17) Sec. 13-4-80. Construction and cleaning of grease, oil and sand traps. (Chapter 13, Article 4, Water, Storm Drainage and Sewer Systems)

Grease, oil and sand interceptors shall be provided at the sole cost and expense of the customer when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing grease, oil, etc., in excessive amounts, or any flammable wastes, sand or other harmful ingredients. All interceptors shall be located as to be readily available and accessible for cleaning and inspection. Grease and oil interceptors shall be in an accessible location for maintenance and inspection and shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be watertight and, if necessary as determined by the City, gastight and vented. Where installed, all grease, oil and sand interceptors shall be maintained by the customer at his or her expense, in continually efficient operation at all times. The City requires a monthly or periodic cleaning and pumping of any grease traps as approved by the City Manager. Periodic inspections shall be made of sand and grease traps and interceptors, and, in the event the customer is in violation of this Chapter, the customer shall be liable for payment of a penalty in an amount as set forth in the City's fee schedule.

(18) Sec. 13-4-110. Enforcement. (Chapter 13, Article 4, Water, Storm Drainage and Sewer Systems)

- (a) The responsibility of cleaning and maintaining all grease interceptors and sand and oil traps shall be the customer's and/or owner's. Grease interceptors and sand and oil traps shall be inspected periodically by the City's maintenance contractor, and, if not properly maintained, the City will initiate procedures to obtain compliance with this Chapter.



- (b) The charge for these inspections to the customer and/or owner shall be a direct pass-on of the expense to the City and shall be billed directly by the City for all costs incurred by the City in inspecting the property.
- (c) Discharge of sewage in any manner in violation of this Chapter is hereby declared a public nuisance and may be corrected or abated as directed by the City.
- (d) Whenever a discharge of sewage or the operation of a grease interceptor or sand or oil trap is in violation of the provisions of this Chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City will issue a written notice to correct the practice within seventy-two (72) hours. If the practice is not corrected within such time, the City may notify the Colorado Department of Public Health and Environment and turn off water service or effect disconnection of the sanitary sewage service line from the City's system, until such time as the City has received adequate assurances that any and all violations of this Chapter will cease and will not occur in the future. In addition, all of the costs of the aforementioned proceedings shall be charged against the property and, until paid, shall constitute a perpetual lien against the property.
- (e) When a discharge of waste causes an obstruction, damage or any other impairment to the City facilities, the City may assess a charge against the customer and/or owner for the work required to clean or repair the facility and add such charge to the customer's and/or owner's sewer service charge. The City shall have such remedies for the collection of such costs as it has for the collection of sewer service charges, and such costs, until paid, shall constitute a perpetual lien against the property.
- (f) Any person who intentionally or negligently violates any provisions of this Chapter or conditions set forth in permits duly issued shall be liable civilly to the City. The City may petition the District Court to impose, assess and recover such sums.
- (g) In order to effect its powers, the City may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any of this Chapter is found to exist. Prior to termination of service, the City shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated. Such notice shall be mailed to the customer at the address of record, and a copy shall be delivered to the owner and tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefor. In the event of an emergency, the City may terminate service without prior notice; provided, however, that subsequent notice of the termination shall be delivered as set forth herein.
- (h) The prohibitions against unauthorized discharge of wastes proscribed in this Section include the dumping or pumping of wastes directly onto the City's manholes without the prior written consent of the City Manager.

(19) Sec. 13-6-140. Penalty for late payment. (Chapter 13, Article 6, Rates and Charges)

- (a) Utility bills forty-five (45) days past due will be assessed a one-percent monthly fee on any accrued outstanding balance. There will also be a processing fee assessed the first month past due, and, thereafter, an additional fee per month as long as the bill is outstanding.
- (b) At sixty (60) days past due, the customer will be sent a "water shut-off" notice, allowing him or her thirty (30) days to bring his or her balance current or make arrangements. All monthly billing shall continue with all delinquent fees being assessed.



- (c) At ninety (90) days past due, the water service will be shut off, and the delinquent utility bill shall be collected with the authority and procedures outlined in Section 13-6-150 below. All monthly billing shall continue with all delinquent fees being assessed. The water shall not be turned back on until all past due charges are brought current (including turn-off and -on fees).
- (d) Furthermore, if a public utility bill goes unpaid for twelve (12) consecutive months, the water connection (tap) will be considered abandoned. The water shall not be turned back on until all past due charges are brought current and a new water connection (tap) fee is paid in full.

(20) Sec. 13-6-150. Penalties for liens and foreclosure proceedings. (Chapter 13, Article 6, Rates and Charges)

- (a) By authority of Section 31-20-105, C.R.S., any municipality may cause any or all delinquent charges levied to be certified to the County Treasurer and be collected and paid by the County Treasurer in the same manner as taxes are authorized by this Chapter.
- (b) Each water charge levied shall be a lien therewith, and if the same is not paid within ninety (90) days after it becomes due and payable, the City Manager shall certify such unpaid rates or charges to the County Treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten-percent penalty thereon to defray the cost of collection. The same shall be collected and paid over by the County Treasurer to the City in the same manner as taxes are authorized to be paid by all laws in the State. Such delinquent water charges may also be certified to the Board of Trustees or County Commissioners and shall become a lien upon the real property served by such water connection and collected in the same manner as though they were part of the taxes.
- (c) Except as specifically amended herein or in conflict with any provisions hereof, all of the provisions of Ordinance No. 183 and Ordinance No. 184, as amended, and any subsequent ordinances or resolutions amending such ordinances, shall remain in full force and effect.

(21) Sec. 18-1-160. Removal by City. (Chapter 18, Article 1, Division 2, Balcony Permits)

If the record owner fails to comply with the order to remove the balcony, the Board of Trustees may cause the balcony to be removed and charge the costs thereof, plus up to fifteen percent (15%) of such costs for administration, to the record owners of the adjacent property. If any record owner fails or refuses to pay, when due, any charges imposed under this Section, the Board of Trustees may, in addition to taking other collection remedies, certify any unpaid charges, including interest, to the County Treasurer, to be levied against the adjacent property for collection by the County in the same manner as delinquent general taxes upon such adjacent property are collected.

(22) Sec. 18-2-50. Penalties and fees. (Chapter 18, Article 2, Building and Residential Codes)

- (a) It is unlawful for any person to violate any of the provisions of the codes adopted herein.
- (b) Every person convicted of a violation of any provision adopted herein shall be allowed five (5) business days to rectify the violation. If the violation is not rectified in five (5) days, a cease and desists order will be issued, and a fine not exceeding one hundred (\$100.00) dollars for each day of violation from that date shall be imposed.
- (c) The fees applicable to codes shall be amended by resolution of the Board of Trustees.



Eryn K Follman
Mineral County Clerk

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the City 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 thirty (30) days after publication thereof.

**INTRODUCED, PASSED, APPROVED AND ADOPTED AT A REGULAR MEETING
OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN
ON NOVEMBER 12, 2008**

CITY OF CREEDE

Rex M. Shepperd

Mayor, Rex M. Shepperd

December 2, 2008

Date

ATTEST:

Pamela J. Wilson *12/9/08*

City Clerk, Pamela J. Wilson Date

