

CHAPTER I GENERAL PROVISIONS

SECTION I GENERAL PROVISIONS

- 1-1-1 How Code Designated and Cited
- 1-1-2 Definitions and Rules of Construction
- 1-1-3 Amendments
- 1-1-4 Severability
- 1-1-5 Repeal
- 1-1-6 Effect of Repealing Ordinances
- 1-1-7 General Penalty and Continuing Violations

1-1-1 How Code Designated and Cited The Ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of MARBLE, Colorado", and may be so cited. Such ordinances may also be cited as "MARBLE Municipal Code."

1-1-2 Definitions and Rules of Construction In the construction of the Code and, of all ordinances of the town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance:

- (1) Town The word "Town" or "this Town" shall mean the Town of MARBLE Colorado.
- (2) Board of Trustees The word "Board" or "Trustees" shall mean the Board of Trustees of the Town of MARBLE.
- (3) Code The term "Code" shall be deemed to mean "The Code of the Town of MARBLE" as published and subsequently amended, unless the context requires otherwise.
- (4) Person The word "person" shall include a firm, partnership, corporation, association, or other organization acting as a group or unit as well as an individual.
- (5) County The words "the county" shall mean the County of Gunnison, Colorado.
- (6) Day A day is the period of time between any midnight and the midnight following.
- (7) Daytime, Nighttime "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- (8) In the town The words "in the town" shall mean and include all territory over which the town now has, or shall hereafter acquire, the jurisdiction for the exercise of its police powers or other regulatory powers.
- (9) Month The word "month" shall mean a calendar month.
- (10) Oath The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (11) Owner The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
- (12) Preceding, Following The words "preceding" and "following" shall mean next before and next after, respectively.
- (13) Property The word "property" shall include real, tangible and intangible personal property.
- (14) Real Property Real property shall include lands, tenements, and hereditaments.

- (15) Public Way The words "public way" shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.
- (16) Street The word "street" shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.
- (17) Sidewalk The word "sidewalk" shall mean the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.
- (18) Tenant The word "tenant" or "occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- (19) Year The word "year" shall mean a calendar year, unless otherwise expressed.
- (20) State The words "the State" shall be construed to mean the State of Colorado.
- (21) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- (22) When an ordinance requires an act to be done which may as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.
- (23) The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done shall fall on Sunday or a legal holiday, the act shall be done upon the day following such Sunday or legal holiday.
- (24) Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and associations and bodies corporate as well as individuals, shall be included.
- (25) "Shall" is mandatory and "may" is permissive.
- (26) The title of any section or subsection of this Code shall not be deemed to in any way restrict, qualify or to limit the effect of the provisions set forth and contained in such section or subsection.
- (27) In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

1-1-3 Amendments Any additions or amendments to this Code shall be adopted as ordinances as required by state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be incorporated into this Code so that reference to it as "The Code of the Town of BARBLE," shall be understood as including such additions or amendments.

1-1-4 Severability The provisions of this Code are hereby declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby.

1-1-5 Repeal All ordinances and parts of ordinances of a general and permanent nature, adopted by the Town of BARBLE before the effective date of this Code, are hereby repealed; provided however, that any ordinances establishing salaries, establishing any contract right, authorizing the issuance of any bonds or

evidence of indebtedness of the Town of MARBLE, relating to the annual appropriation of the annual tax levy, granting any franchise, annexing territory to the Town of MARBLE, naming streets or alleys, creating or assessing any local improvement district, or authorizing the sale, purchase or lease of property by the Town of MARBLE, shall not be considered to be ordinances of a general and permanent nature and the same are not hereby repealed.

1-1-6 Effect of Repealing Ordinances The repeal of any provision of this Code shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceedings as commenced under or by virtue of the provision repealed, nor the tenure of an office of any person holding office at the time when such repeal shall take effect. The repeal of any provision of this Code shall not revive any provision or any ordinance theretofore repealed or superseded.

1-1-7 General Penalty; Continuing Violations Whenever in this Code or any other ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Code any act is prohibited or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code or other ordinance or resolution of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in jail not exceeding ninety (90) days or by both such fine and imprisonment.

Every day any violation of this Code or any other ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Code shall continue shall constitute a separate offense.

CHAPTER III FINANCES
ARTICLE 173

SECTION 1 GENERAL

- 3-1-1 Fiscal Year Same as Calendar Year
- 3-1-2 Annual Budget
- 3-1-3 Rate of Tax Levy
- 3-1-4 Annual Appropriation
- 3-1-5 Publication of Financial Statements
- 3-1-6 Deposits; Investments
- 3-1-7 Annual Audit

3-1-1 Fiscal Year Same as Calendar Year The fiscal year of the Town of Marble shall commence on the first day of January and end on the last day of December of each year. C.R.S. 139-38-1 (1963)

3-1-2 Annual Budget Not later than the first regular meeting of the Board of Trustees in September of each year, the Budget Committee or other duly authorized persons designated by the Board, shall submit to the Board the itemized annual budget for the ensuing fiscal year. The budget as approved by the Board shall be adopted and administered in accordance with the provisions of the Local Government Budget Law of Colorado. C.R.S. 88-1-1 et. seq. (1963)

3-1-3 Rate of Tax Levy The Board of Trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify the said levy to the county commissioners of Gunnison County prior to the 16th day of October of each year. C.R.S. 137-2-48 (1963)

3-1-4 Annual Appropriation The Board of Trustees shall pass an ordinance within the last quarter of each fiscal year, to be termed the annual appropriation ordinance for the next fiscal year. In such ordinance the Board shall appropriate such sums of money as are necessary to cover the items in its budget and to defray all necessary expenses and liabilities of the Town, specifying the objects and purposes for which the appropriations are made and the amount appropriated for each object or purpose. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year. C.R.S. 139-38-1 (1963)

3-1-5 Publication of Financial Statements The Board of Trustees shall, within twenty (20) days after the adjournment of each regular or special meeting, post or publish such of its proceedings as relate to the payment of bills, stating for what the same are allowed, the name of the person to whom allowed and to whom paid. It shall also publish a statement concerning all contracts awarded and rebates allowed. C.R.S. 139-38-4 (1963)

3-1-6 Deposits; Investments The Town Treasurer shall deposit all of the funds and money which come into his possession by virtue of his office as town treasurer in one or more responsible banks located in the State of Colorado which have been designated by written resolution of the Town Board. The Town Board may also authorize the Town Treasurer, by written resolution, to invest all or any part of such funds in securities which are authorized for such investment by state law. C.R.S. 139-39-7 (1963)

3-1-7 Annual Audit The Board of Trustees shall select a qualified person as auditor and cause to be made an annual audit of the financial affairs and transactions of the Town in accordance with the requirements of state law. C.R.S. 88-6-1 et. seq. as amended, (1963)

SECTION 2 OCCUPATION TAX

- 3-2-1 Definitions
- 3-2-2 Distribution of Tax
- 3-2-3 Amount of Tax
- 3-2-4 Exemption from Tax
- 3-2-5 Payment of Tax
- 3-2-6 Classification
- 3-2-7 Unlawful Procedure
- 3-2-8 Legal Right of Town
- 3-2-9 Violations

3-2-1 Definitions Whenever in this section the words hereinafter defined or construed in this section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:
 (1) Business Any Business, trade, occupation, profession, avocation or calling of any kind.
 (2) Engaged in Business To carry on or take a part in the operation of a business as owner, operator or agent.

*Amended -
all Ord # 3
Series 1983*

(3) Employees Persons working for remuneration under the control and direction of an employer.

3-2-2 Distribution of Tax The Board of Trustees hereby finds, determines and declares that considering the relationship of the businesses and occupations being conducted in the Town to the municipal welfare and the expenditures of the Town requires a proper, just and equitable distribution of the tax burdens within the Town. And, after considering all matters in relation thereto, the tax imposed on each business herein defined is reasonable, proper, uniform and non-discriminatory and necessary for a just and proper distribution of tax burdens within the Town.

3-2-3 Amount of Tax There is hereby levied and assessed for the period of January 1 to December 31, and for each calendar year thereafter, an occupation tax upon every business except as otherwise provided herein in the sum of \$5.00.

(a) Every person engaged in business within the Town of Marble shall be liable for this occupation tax except as otherwise provided herein.

(b) The tax herein provided shall not apply to the operation of any business exempt by federal or state law.

(c) That the tax herein provided is upon occupation and businesses in the performance of local functions and is not a tax upon those functions relating to the interstate commerce.

(d) The tax herein provided shall not apply to newsboys.

3-2-4 Exemptions from Tax An employee is declared to be exempt from the tax provided herein.

3-2-5 Payment of Tax (a) Such tax shall be due and payable to the Treasurer of the Town of Marble on the first of January of each year. The tax, if not paid as herein provided, shall become delinquent on the first of February of the same year. That as to all persons engaged in business for a period of less than a year, the tax shall be due and payable prior to the time the person engages in business.

(b) Upon receipt of the tax, it shall be the duty of the Town Clerk to execute and deliver to the operator of the business paying the tax, a revenue receipt, showing the name of the person paying the tax, the date of payment, business paying the tax, the period for which said tax is paid and the place at which the person conducts his business.

3-2-6 Classification Every person doing business in more than one store, stand or other place of business, shall pay a separate tax for each place of business, unless such places of business are contiguous to each other, communicate directly with and open to each other, and are operated as a unit. The business may be transferred from one (1) location to another without payment of additional tax.

3-2-7 Unlawful Procedure It shall be unlawful for any person or his agent to engage in or carry on a business in the Town of Marble for which and occupational tax is required, without first having paid the tax and obtained a revenue receipt, as herein provided. For the purpose of this section, the opening of a place of business, or offering to sell, followed by a single sale or the doing of any act or thing in the furtherance of the business, shall be construed to be engaging in carrying on such business.

3-2-8 Legal Right of Town The Town of Marble shall have the right to recover all sums due by the terms on this section by judgment and execution thereon in a civil action in any court of competent jurisdiction; such remedy shall be cumulative, with all other remedies provided herein for the enforcement of this section.

3-2-9 Violations Failure to comply with the terms of this section by payment of taxes and to otherwise comply with the terms of this section shall constitute a violation of this section.

SECTION 3 UTILITIES OCCUPATION TAX

- | | | | |
|-------|--------------------------------------|-------|-----------------------|
| 3-3-1 | Policy and Purpose | 3-3-5 | Failure to Pay |
| 3-3-2 | Utilities Defined | 3-3-6 | Penalties |
| 3-3-3 | Tax Levy | 3-3-7 | Inspection of Records |
| 3-3-4 | Filing Statements and Payment of Tax | 3-3-8 | Exclusions |

3-3-1 Policy and Purpose That the Board of Trustees hereby finds, determines and declares that considering the nature of the utility

Amended - see Ord # 3, Series 1983

Declared illegal by courts.

SEE ORD #5 SERIES 1978

businesses and occupations, as hereinafter defined, and the relations thereof to the municipal welfare, as well as the relation thereof to the expenditures required of the Town, and all other matters proper to be considered thereto, the classification of said businesses and occupations as separate businesses and occupations is reasonable, proper, uniform, and non-discriminatory. The amount of tax hereby imposed by this ordinance is reasonable, proper, and non-discriminatory, and necessary for the just and proper distribution of expenditures required to be made by the Town with respect to such business and occupations.

3-3-2 Utilities Defined That the utility businesses and occupations subject to this ordinance shall be those utilities defined as "public utilities" by the laws of the State of Colorado, except for the utilities hereinafter specifically excluded.

3-3-3 Tax Levy That there is hereby imposed upon all utility companies except as hereinafter excluded which maintain facilities and carry on functions and operations within the Town of Marble a tax on the business and occupation of installing, maintaining and operating such utility within the Town and of supplying services to the inhabitants of the Town. The amount of tax levied hereby shall be equal to two percent (2%) of the gross revenues received by such utility arising from the supplying, furnishing, distributing and selling of local exchange telephone service, artificial or natural gas, electricity or electrical energy, and any other utility services defined as such under Section 3-4-2 of this ordinance, within the corporate limits of the Town.

3-3-4 Filing Statement and Payment of Tax That for the purpose of ascertaining the amount of the tax to be paid as required by this ordinance, it shall be the duty of such utility companies, and the presidents, secretary, treasurer, manager, officer or agent having general control of the business of each such utility company in said Town, to transmit within forty-five (45) days after the end of each calendar quarter, a statement under oath to the Town Treasurer showing the gross receipts received, as prescribed in Section 3-4-3 of this ordinance, during said quarter, and said statement shall be accompanied by a payment to the Town Treasurer of the amount of the tax for said quarter, and the statement and payment shall become delinquent sixty (60) days after the end of the quarter.

3-3-5 Failure to Pay That if any utility company, subject to the provisions of this ordinance shall fail to pay the taxes as herein provided, the full amount thereof shall be due and collected from such company and the same together with an addition of ten percent (10%) of the amount of taxes due shall be and is hereby declared to be a debt due and owing from such company to the Town Marble. The Town Attorney of the Town of Marble upon the direction of the Board of Trustees shall commence and prosecute to final judgement and determination in any court of competent jurisdiction an action at law to collect the said debt in the name of the people of the State of Colorado, Town of Marble.

3-3-6 Penalties If any officer, agent or manager of a utility company which is subject to the provisions of this ordinance shall fail, neglect or refuse to make or file any quarterly statement or payment in the manner herein prescribed, the said officer, agent, manager, or person shall, on conviction thereof, be punished by a fine or not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), provided, that each day after said quarterly statement or payment shall become delinquent during which the said officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement or payment shall be considered a separate and distinct offence.

3-3-7 Inspection of Records That the Town of Marble, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the utility companies which are subject to the provisions of this ordinance and to make copies of the entries or contents thereof.

3-3-8 Exclusions That the provisions of this ordinance shall not apply to any utility business and occupation operating within the Town of Marble pursuant to any ordinance of the Town in effect at the time of the adoption of this ordinance, and shall not apply to any common carriers and to any utility owned and operated by the Town.

SECTION 4 MUNICIPAL CONTRACTS

- | | | | |
|-------|-----------------------------|--------|---------------------------------------|
| 3-4-1 | Definitions; Exemptions | 3-4- 7 | Open Market |
| 3-4-2 | Purchase Authorization | 3-4- 8 | Purchases Without Competitive Bidding |
| 3-4-3 | Standards | | |
| 3-4-4 | Contracts | 3-4- 9 | Financial Interest |
| 3-4-5 | Bidding Procedure; Formal | 3-4-10 | Contractor's Bonds |
| 3-4-6 | Bidding Procedure; Informal | | |

3-4-1 Definitions; Exemptions The word "supplies" for purposes of this section shall include all supplies, materials, and equipment used by the Town of Marble or any of its departments, agencies, commissions, bureaus, or institutions. The word "supplies" shall not include contractual services which are in their nature unique and not subject to competition, such as professional services.

3-4-2 Purchase Authorization No purchase shall be made without first securing a purchase order authorization from the Town Clerk.

3-4-3 Standards The provisions of this section are intended to enable the Board or Trustees to conduct purchasing in the most efficient manner possible. In connection with any particular contract for or in connection with the use of supplies commonly required by the Town of Marble, the Board of Trustees may compile a set of standards and specifications which will reasonably meet the needs of the Town of Marble in respect to economy, strength, safety, sanitation, and health.

3-4-4 Contracts Contracts with the Board of Trustees shall be let to the lowest reliable and responsible bidder. Bids on supplies for which standards and specifications shall have been established pursuant to this article shall be examined in accordance with such standards and specifications. All bids may be rejected. Each bid, with the name of the bidder, shall be preserved and each record, with the successful bid, if any indicated, shall be preserved for a period of five (5) years and open to public inspection. Bond for the proper performance of each contract may be required or waived in the discretion required, the form and legal sufficiency shall be subject to the approval of the Town Attorney.]

3-4-5 Bidding Procedure, Formal Formal advertisement by publication shall precede the letting of any contract for supplies which is estimated to amount to \$500.00 or more. Such advertisement or notice shall give the specifications of the supplies to be purchased or refer to the standards and specifications, theretofore established pursuant to this section and shall state the amount of bond, if any, required. All bids in response to such advertisements or notices shall be submitted in duplicate in sealed form and shall be publicly opened at the time specified in the advertisement or notice. After examination and tabulation the results shall be subject to inspection by competing bidders.

3-4-6 Bidding Procedure, Informal Any contract for supplies which is estimated to amount to less than \$500.00 may be let by informal procedure upon notice calculated to inform potential bidders in a manner calculated to achieve maximum competition among bidders and maximum economy to the town.

3-4-7 Open Market Purchases of supplies may be effected on the open market, notwithstanding the provisions of Sections 3-4-5 and 3-4-6 hereof, in such instances as will in the opinion of the Board of Trustees serve the best interests of the Town of Marble, if the supplies to be purchased are within one or more of the following categories:

(a) Supplies of limited availability, to-wit, supplies indispensable to the Town which are obtainable, for practical purposes, from only one single source.

(b) Supplies urgently required, to-wit, supplies indispensable to the Town which of necessity must be purchased to contend with emergency situations.

(c) Supplies which are perishable, to-wit, supplies which cannot be purchased by ordinary procedures by reason of imminent spoilage or decay.

(d) Supplies required by reason of practicality, to-wit, supplies required in respect to uniformity of equipment presently in operation, uniformity of decorative and semi-decorative fixtures and supplies, and in respect to preferences based on particular individual usage or professional advise.

However, all purchases under this section shall be made in the most economical manner possible.

3-4-8 Purchases Without Competitive Bidding The Board of Trustees or the officer in charge on any department may purchase supplies to an amount not exceeding an estimated \$200.00 without competitive bidding. Purchases made under authority of this section shall pertain to articles or items of use, special or unique to their user, or shall be related to emergency conditions. However, all such purchases shall be effected with maximum economy to the Town.

3-4-9 Financial Interest Neither the Board of Trustees nor any employee of the Town of Marble shall have any personal beneficial interest either directly or indirectly in any purchase made by the Town nor in any firm, corporation, or association furnishing or bidding on any such purchase, except upon full disclosure of said interest to the Board. J*

3-4-10 Contractor's Bonds Any person or persons, company or companies, firm or firms, corporation or corporations entering into a contract with the Town for the construction of any public building or the prosecution or completion of any public work, or for repairs upon any public building or public work, shall be required before commencing work, to execute, in addition to all bonds that may now or hereafter be required of them, a penal bond, with good and sufficient surety or securities, to be approved by the Board of Trustees, conditioned that such contractor or contractors shall promptly make payments of all amounts lawfully due to all person supplying or furnishing him or them, or his or their contractor or subcontractors with labor or materials, used or performed in the prosecution of the work provided for in such contract, and will indemnify the Town to the extent of any and all payments in connection with the carrying out of such contracts which said Town may be required to make under the law.

s/s Clayton G. Blue
Mayor of Marble

I hereby certify that this is a true copy of legal Ordinances adopted by the Town of Marble on July 20, 1973.

s/s June K. Blue
Clerk of Marble

For Mr. Peterson M.B.
Resigned: June K. Blue
June 10, 1976

CHAPTER IV ELECTIONS AND RECALL

SECTION 1 GENERAL

- 4-1-1 Election Procedure
- 4-1-2 Removal of Officers

4-1-1 Election Procedure Each regular election held on the first Tuesday in April in the even numbered years and all special elections called by the Board of Trustees for any purpose shall be in the manner prescribed by the Colorado Municipal Election Code of 1965. C.R.S. 49-22-1 et. seq. (1963)

4-1-2 Removal of Officers By the concurrent vote of four (4) members of the Board of Trustees, the Mayor, or any member of the Board, or any elective officer of the Town, may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearings being given, unless the officer against whom the charge is made shall have moved out of the limits of the Town. When any elective officer shall cease to reside within the limits of the Town, it shall be deemed a good ground for a removal from office. C.R.S. 139-6-6 (1963)

SECTION 2 RECALL

- 4-2-1 Recall of Officials
- 4-2-2 Petition Procedure
- 4-2-3 Protest Procedure
- 4-2-4 Insufficient Petition
- 4-2-5 Sufficient Petition
- 4-2-6 Resignation of Officer
- 4-2-7 Official Recall Ballot
- 4-2-8 Result of Election
- 4-2-9 Nomination of Candidates
- 4-2-10 Recall After Six (6) Months
- 4-2-11 Second Petition

4-2-1 Recall of Officials Every elective officer of the Town of Marble may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure provided for in the Section.

4-2-2 Petition Procedure The procedure to effect the recall of an elective officer of the Town shall be as follows:

(a) A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled, equal in number to forty percent (40%) of all ballots cast at the last preceding Town election demanding and election of the successor to the officer named in said petition.

(b) The petition shall be filed with the Town Clerk.

(c) Such petition shall contain a general statement, in not more than two hundred (200) words of the grounds on which recall is sought.

(d) Any recall petition may be circulated and signed in sections; provided each section shall contain a full and accurate copy of the title and text of the petition.

(e) Each signer must add his signature, the date of signing and his place of residence, giving his street number if any.

(f) The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, willfully so made and subscribed by such person, shall be perjury and punished as such.

4-2-3 Protest Procedure All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers who shall be deemed and held to be qualified electors, unless a protest in writing under oath shall be filed with the Town Clerk by a qualified elector.

(a) Such protest must be filed within fifteen (15) days after the petition is filed.

(b) The protest must set forth specifically the grounds of such protest.

(c) The Clerk shall forthwith mail a copy of such protest to the persons names in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five (5) nor more than ten (10) days after such notice is mailed.

(d) All hearings shall be held before the Clerk and all testimony shall be under oath.

(e) Such hearings shall be summary and subject to delay and must be concluded within thirty (30) days after such petition is filed.

(f) The result of the hearing shall be certified to the persons representing the signers of such petition.

(g) The finding as to sufficiency of the petition may be reviewed by any state court of general jurisdiction in the county.

4-2-4 Insufficient Petition When such petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and, within fifteen (15) days thereafter, may be amended and refiled as a original petition.

4-2-5 Sufficient Petition When such petition is sufficient, the Clerk shall forthwith submit said petition, together with a certificate of its sufficiency to the Board of Trustees. The Board shall thereupon order and fix the date for holding an election, not less than thirty (30) days nor more than sixty (60) days from the date of the submission of said petition. If a Town election is to be held within ninety (90) days after the date of submission of said petition, the recall election shall be held as a part of said election.

4-2-6 Resignation of Officer If such officer shall offer his resignation, it shall be accepted, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law; but the person appointed to fill such vacancy shall hold his office only until the person elected at the recall election shall qualify. If such officer shall not resign within five (5) days after the sufficiency of the recall petition shall have been sustained, the Board of Trustees shall make or cause to be made publication of notice for the holding of such election, and the same shall be conducted, returned, and the result thereof declared in all respects as in the case of other Town elections.

4-2-7 Official Recall Ballot On the official ballot at such elections shall be printed in not more than two hundred (200) words, the reasons set forth in the petition for demanding the officer's recall, and in not more than three hundred (300) words there shall also be printed, if desired by him, the officer's justification of his course in office. If such officer shall resign at any time subsequent to filing of the official ballot, the recall election, shall be called notwithstanding such resignation.

(a) There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words, " Shall (name of person against whom recall petition is filed) be recalled from office of (title or office)?" Following such question shall be the words " Yes" and "No" on separate lines with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.

(b) On such ballots, under each question, there shall also be reprinted the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; but no vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall or such person thought to be recalled from office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

4-2-8 Result of Election If a majority of those voting on said question of the recall on any incumbent from office shall vote "No", said incumbent shall continue in office. If a majority shall vote "Yes", such incumbent shall thereupon be deemed removed from office upon the qualification of his successor.

(a) If the vote had in such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office thereby vacated shall be declared elected for the remainder of the term, and a certificate of election shall be forthwith issued to him by the canvassing board. In case the persons who received the highest number of votes shall fail to qualify within fifteen (15) days after the issuance of a certificate of election, the office shall be deemed vacant, and shall be filled according to law.

4-2-9 Nomination of Candidates Candidates for the office may be nominated by petition, as now provided by law, which petition shall be filed with the Town Clerk, not less than fifteen (15) days before the recall election..

4-2-10 Recall After Six (6) Months No recall petition shall be circulated or signed against any office until he has actually held his office

for at least six (6) months, unless he holds his office by virtue of appointment to fill a vacancy.

4-2-11 Second Petition After one recall petition and election, no further petition shall be filed against the same officer during the term for which he was elected, unless the petitioners signing said petition shall equal fifty per cent (50%) of the ballots cast at the last preceding Town election. C.R.S. 139-15-1 et. seq. (1963)

CHAPTER V LIQUOR, BEER LICENSING

AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING THE APPLICATION FOR, ISSUANCE OF, ANY NEW LICENSE, RENEWAL LICENSE, TRANSFER OF LOCATION OR OWNERSHIP OF ANY LICENSE, OR THE SUSPENSION AND REVOCATION OF ANY LICENSE TO SELL AT RETAIL ANY MALT, VINOUS OR SPIRITUOUS LIQUORS OR FERMENTED MALT BEVERAGES.

WHEREAS, under the provisions of Chapter 75, Article 2, Section 9, Colo. Rev. Stat. 1963, as amended, the Town Council of the Town of Marble serves as the local licensing authority in regard to licensing of locations in the Town of Marble to sell alcoholic liquors, and

WHEREAS, under the provisions of Chapter 75, Article 1, Section 7(7), Colo. Rev. Stat. 1963, as amended, the Town Council of the Town of Marble serves as the local licensing authority in regard to licensing of locations in the Town of Marble to sell fermented malt beverages and

WHEREAS, it is the desire of the Town Council to provide for, and set out in writing a uniform, consistent and expeditious method of processing applications for any new license, renewal license, transfer of location or ownership of any license, or the suspension or revocation of any license to sell at retail any malt, vinous or spirituous liquors, or fermented malt beverages and

WHEREAS, it is the desire of the Town Council to supplement Chapter 75, Articles 1 and 2, Colo. Rev. Stat. 1963, as amended, and regulations promulgated thereunder by the State Licensing Authority, and it is not the desire or intention of the Town Council to contradict or change any provisions of the said statutes or regulations,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MARBLE, COLORADO as follows:

SECTION I. APPLICATIONS All applications for new alcoholic liquor or fermented malt beverage licenses shall be filed with the Town Clerk and shall be subject to Section I through Section VI of this ordinance. They shall be filed in duplicate on forms made available by the State Liquor Licensing Authority. One copy is to be retained by the Town Clerk and one copy is to be forwarded to the State Licensing Authority upon completion of action taken by the Town Council. The applications shall be complete in every material detail and shall be accompanied by the following:

- A. An oath or affirmation that all information submitted has been given fully, faithfully, truthfully, and fairly.
- B. Complete plans and specifications of the interior of the building to be occupied if the building is in existence at the time. If the building is not in existence, then in addition to the plans for the interior, an architect's drawing of the building to be constructed.
- C. Checks in payment of the town and state license fees, and a deposit in the amount of \$300.00. This deposit shall be used to defray the expense incurred in processing the application, conducting an investigation, conducting a public hearing and payment of a court reporter for this hearing, and for publishing and posting the required notices of this hearing. The applicant shall receive an accounting of the use made of this deposit, and shall be entitled to receive a refund of the unused portion thereof.
- D. If the applicant is a partnership, except as between husband and wife, a certificate of co-partnership.
- E. If the applicant is a corporation, a copy of its articles of incorporation, and in addition the names and addresses of all persons holding over 10% of the outstanding and issued capital stock, and if a foreign corporation, evidence of its qualifications to do business in this state.
- F. Suitable evidence of citizenship and residence of the applicant, in the case of a business association of two or more persons, such evidence of the principals, The applicant's picture and fingerprints, or, in the case of a business association of two or more persons, the pictures and fingerprints of the principals.
- G. Three character reference letters for each applicant or individual partner, or, in the case of a business association or two or more persons, for each of the principals.
- H. Information concerning the financial and management interests of any person connected with the business and copies of documents

governing the terms and conditions of ownership or right to possession of the premises proposed to be licensed, consisting of a deed, title insurance policy or lease.

SECTION II. INITIAL APPEARANCE BEFORE THE TOWN COUNCIL The Town Clerk shall cause the above application to be placed on the Agenda of the Council Meeting to be held no less than four nor more than thirty days after the said Clerk has received the application.

- A. The applicant shall be in attendance at the Council Meeting at which his application is presented to the Council. This date of presentation to the Council shall be deemed the date of filing of the application for the purposes set forth in the statutes.
- B. The Council shall tentatively set the boundaries of the neighborhood considered affected by the proposed location. Until the Council shall so set the tentative boundaries, the neighborhood shall be deemed to be that area within a radius of one-half mile in all directions from the proposed outlet.
- C. The applicant shall be instructed to and shall cause to be prepared and shall furnish to the Clerk at least fifteen days prior to the public hearing an official area map showing on the said map the location of the proposed outlet and the location and nature of all other licensed premises located therein.
- D. The Council shall also set a date for public hearing which date shall be not less than thirty days from the date of the Council meeting at which the application is presented.
- E. If the premises for which any license to sell any alcoholic liquors is sought lies within 500 feet of any property used for school purposes, as defined in Colo. Rev. Stat. 75-2-39-(5)(b), 1963, as amended, the applicant shall furnish a survey map showing the location of the school property, the location of the proposed outlet, and the actual route of direct pedestrian access and the footages involved. Said distance to be computed from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with regulations, and lights. This survey map shall be filed with the Clerk at least fifteen days prior to the public hearing.
- F. In the event the proposed alcoholic liquor outlet is not within 500 feet, as measured in Colo. Rev. Stat. 75-2-39-(5)(c), 1963, as amended, of any land used for school purposes the applicant shall file with the Clerk at least fifteen days prior to the public hearing an affidavit so stating that said outlet is not located the aforesaid 500 foot limit.

SECTION III. PUBLIC NOTICE The Council shall cause to be posted and published public notice of the hearing to be held on the application.

- A. The sign used for posting shall be of cardboard material, not less than 22 inches wide and 26 inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of hearing, and the name and address of the applicant, and such other information as may be required to fully appraise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and if the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager or other managing officers. The sign must be posted for at least ten continuous days, the first day to be not later than fifteen days preceding the date of the hearing.
- B. The published notice shall contain the same information as that required for signs, and shall be composed of 8-point bold faced type set so as to be not less than one column in width and not less than 6 inches in length. Publication is to be accomplished by one publication in a newspaper of general circulation in the county in which the premises are located and the notice is to be published not later than the fifth day preceding the date of hearing on the application.
- C. Public notice by posting and publication is required for all hearings on licenses for malt, vinous or spirituous liquors,

however, for hearings on licenses for fermented malt beverages, at the discretion of the Council, public notice may be given by posting or publication, or both.

- D. Where the building for which the license is sought is in existence at the time of application, the sign shall be placed on the premises so as to be conspicuous and plainly visible to the general public from the exterior of the building. If the building is not in existence at the time of application, the sign shall be posted upon the premises upon which the building is to be constructed in such a manner that it shall be conspicuous and plainly visible to the general public.
- E. The Clerk shall make all arrangements for posting and publications and shall attach to the application evidence of such posting and publication. Said evidence shall consist of a photograph of the posted sign in place and proof of publication as provided for in Colo. Rev. Stat. 109-1-5, 1963, as amended, and a certificate of the Clerk that the required public notice has been given according to the statutes.

SECTION IV. INVESTIGATION After the initial appearance before the Council the Town Clerk shall commence the investigation of the applicant and the premises. Such investigation shall include the following:

- A. Obtaining from the appropriate law enforcement agencies a criminal report on the applicant, including all partners, principals, or stockholders holding over 10% of the outstanding and issued capital stock if applicable.
- B. Letters of reference should be verified with the person or persons signing the letters, if the references are local. If the references are not local, a letter from the Clerk shall be sent to the person or persons signing the reference letters requesting verification.
- C. The credit rating of the applicant, both personal and business, shall be checked through the local credit bureau.
- D. The maps and information submitted concerning the general character of the neighborhood shall be verified.
- E. The premises proposed for a license shall be inspected to ensure that the plans and specifications submitted with the application are true representations of the premises.
- F. All departments and administrative officials of the Town shall cooperate fully with the Clerk in his investigation. These departments and officials include, but are not limited to, the Planning and Zoning Department, the Fire Department, the Health and Sanitation Department, the Building Inspector, the Police Department, the City Attorney, and all other Town departments and officials.
- G. Any reports of the results of his investigation shall be delivered by the respective departments or officials to the Town Clerk at least ten days prior to the date of the hearing on the application.
- H. Not less than five days prior to the date of hearing on the application, the written preliminary report on the findings based on the investigation by the Clerk shall be made know by mailing a copy thereof by certified mail with the return receipt requested to the applicant or principals of the organization applying for the license, and upon request to other interested parties.

SECTION V. PUBLIC HEARING On the date previously set a public hearing shall be held on the application according to the procedures set forth in the ordinance of the Town Code for the conduct of quasi-judicial hearings. Such hearings may be recessed from time to time, for a maximum of ten days, on the vote of a majority of the Town Council present upon the request of any party in interest or upon motion of the Council, if the purpose for such hearing would best be served.

SECTION VI. DECISION At the conclusion of the presentation of all the evidence the Town Council shall recess the hearing for a maximum of thirty days, during which time it shall consider all the evidence.

- A. In formulating a decision the Town Council shall consider all the facts and evidence adduced as a result of the investigation and hearings including the reasonable requirements and desires of the inhabitants of the neighborhood affected, the number, the type and availability of outlets located in or near the neighborhood

under consideration, all other reasonable restrictions applicable to the area under consideration, and any other pertinent matters affecting the qualifications of the applicant to conduct the type of business proposed.

- B. At the date set for reopening the hearing the decision the Town Council shall be presented by motion and shall state the reasons therefore, such motion and reasons shall be entered into the records of the hearing. A vote shall be taken on the motion, and said vote shall also be entered into the record.
- C. A written copy of the decision, and the reasons therefore, shall be sent to the state licensing authority, along with a copy of the application and supplementary materials.
- D. A written copy of the decision, and the reasons therefore, shall be sent by certified mail, return receipt requested, to the applicant at the address shown on the application, and to any other party in interest upon request.

SECTION VII. LICENSE RENEWALS-MALT, VINOUS AND SPIRITUOUS LIQUORS All renewal applications for malt, vinous and spirituous liquor licenses shall be on forms provided by the State Licensing Authority and must be submitted in duplicate to the Town Clerk, no later than November 1st of the year in which the license expires, together with the required license fees.

- A. All licenses for the sale at retail of malt, vinous or spirituous liquors expire December 31st of the year for which issued.
- B. Upon receiving the renewal application the Clerk shall assemble the file of the applicant and forward the application and file to the Town Council for its action.
- C. All renewal applications shall be examined, along with the applicant's file, by the Council. Unless there is evidence to the contrary before the Town Council, it will be presumed that the proposed premises will comply with the provisions of Chapter 75, Article 2, Colo. Rev. Stat., 1963, as amended, that the character of the applicant is satisfactory and that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the inhabitants. In such a case the Council shall approve the renewal application and forward said application and the required fees to the State Licensing Authority so as to arrive at said authority no later than December 1st of that year.
- D. If there is evidence that the presumptions contained in Section VII-C above do not apply, the Council shall immediately notify the parties in interest in writing of the objections to approving the renewal application and that a public hearing will be made no later than November 25th of that year to determine if there is sufficient cause to refuse to approve said renewal application. Said hearing shall be conducted in the manner provided for hearings on applications for new malt, vinous or spirituous liquor licenses.

SECTION VIII. LICENSE RENEWALS-FERMENTED MALT BEVERAGES. All renewal applications for fermented malt beverages shall be on forms provided by the State Licensing Authority and must be submitted in duplicate to the Town Clerk no later than thirty days prior to the date on which the license expires together with the required license fees.

- A. All licenses for the sale at retail of fermented malt beverages shall expire on the date specified on the license.
- B. Upon receiving the renewal application the Clerk shall assemble the file of the applicant and forward the application and file to the Town Council for its action.
- C. All renewal applications shall be examined, along with the applicant's file, by the Council. Unless there is evidence to the contrary before the Town Council, it will be presumed that the proposed premises, the business conducted and the character of the applicant is satisfactory, and that such license will meet the requirements of the neighborhood and the desires of the inhabitants, and complies with the provision of Chapter 75, Article 1, Colo. Rev. Stat., 1963, as amended. In such case the Council shall approve the renewal application and forward said application and the required fees to the State Licensing Authority so as to arrive at said authority no later than fifteen days prior to the expiration date of said license.
- D. If there is evidence that the presumptions contained in Section VIII-C above do not apply, the Council shall immediately notify the parties in interest in writing of the objections to approving the renewal

application and that a public hearing will be made no less than fifteen days prior to the expiration of said license to determine if there is cause to refuse to approve said renewal application. Said hearing shall be conducted in the manner provided for hearings on applications for new fermented malt beverages licenses.

SECTION IX. CHANGES IN THE LOCATION OF A LICENSE. Before the location of a license is changed the licensee shall submit an application on forms provided by the State Licensing Authority in duplicate to the Town Clerk for such change.

- A. All applications for a change in the location of a license shall be filed with the Clerk and shall be subject to Section I through Section VI of this ordinance.
- B. Notwithstanding subdivision A of this section, the Town Council, when considering an application for a change in the location of a license, shall not be required to consider the character of the applicant.
- C. Notwithstanding subdivision A of this section, for hearings on such applications, at the discretion of the Council, public notice may be given by posting or publication or both.
- D. The Town Council shall not transfer such license in less than twenty days after the application has been made and then only after no less than ten days notice of the hearing has been given.

SECTION X. CHANGES IN OWNERSHIP OF AN OUTLET All applicants for the issuance of a license by reason of transfer of possession of the licensed premises by operation of law or by the purchase and sale of the premises shall file an application on forms provided by the State Licensing Authority in duplicate with the Town Clerk.

- A. All such applications shall be subject to Section I through Section VI of this ordinance.
- B. Notwithstanding subdivision A of this section, the Council shall consider only the character of the applicant, and the applicant shall not be required to submit any other information except as its concerns his character and ability to conduct the business according to law.
- C. Notwithstanding subdivision A of this Section, no public notice of the hearing on the application need be made.
- D. Where the license is a corporation any transfer of 10% or more of the capital stock of the corporation must be reported to the Town Clerk on forms provided by the State Licensing Authority not less than ten days prior to such transfer.

SECTION XI. SUSPENSION AND REVOCATION OF LICENSES The Town Council shall have the power, upon its own motion or upon complaint, to (1) summarily suspend any license for a period not to exceed fifteen days, or (2) upon notice to the licensee and hearing to suspend any license for a period not to exceed six months or to revoke such license.

- A. Suspension and revocation proceedings shall be commenced by the Council by issuing and causing to be served upon the licensee a notice of hearing and an order to show cause why his license should not be suspended or revoked whenever it shall appear to the Council that there is a probable cause to believe that the licensee has violated any law, any rule or regulation of the state licensing authority, or any of the terms, conditions, or provisions of the license issued by the Council.
- B. In all such proceedings the Town Attorney shall conduct an investigation and shall act as the prosecuting agent during the hearing.
- C. A hearing shall be held at a place and time designated by the Council on the day stated in the notice, or upon such other day as may be set for good cause shown. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense, and in explanation and shall be allowed to give evidence and statements in mitigation of the charges, followed by cross-examination of those testifying thereto. In the event the licensee is found to have committed the violation charged, or any other violation,

evidence and statements in aggravation of the offense shall be permitted, followed by cross-examination of those testifying thereto.

- D. If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone established the guilt of the licensee of a violation to give evidence and statements in defense, explanation, mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee, the licensee shall state the substance thereof and upon his request the hearing may be recessed for not more than ten days, and shall continue under the same procedure as though no recess had occurred.
- E. In the event the licensee is found not to have violated any law, rule or regulation, the charges against him will be dismissed. If the licensee is found to have violated some law, rule or regulation, his license may be suspended or revoked.
- F. Every licensee whose license has been suspended by the Town Council shall, if ordered by the Council, post two notices in conspicuous places, one on the exterior and one on the interior of his premises, for the duration of the suspension. The notices shall be in the following form:

NOTICE OF SUSPENSION
ALCOHOLIC BEVERAGE LICENSES ISSUED
For These Premises Have Been
Suspended by Order of the
LOCAL LICENSING AUTHORITY
For Violation of the
Fermented Malt Beverage Act-Liquor Code of 1935

- G. The temporary suspension of a license without notice pending any prosecution, investigation, or public hearing as provided for by the provisions of Colo. Rev. Stat 75-2-11(2) and 75-1-3(7)(b), 1963, as amended, shall be for a period not to exceed fifteen days.

SECTION XII. SEVERABILITY If any provision of this ordinance or the application thereof to any person, property or circumstance shall be adjudged invalid by any court, such invalidity shall not affect or impair the integrity or validity of the remaining portions of this ordinance or the application thereof to other persons, property or circumstances. The Town Council declares that it would have enacted the remainder of this ordinance even without any such provision or application.

SECTION XIII. EFFECTIVE DATE The date that this ordinance will be come effective is July 1, 1973; however, any existing county licenses within the Town of Marble at the time of enactment of this ordinance shall not be required to have a town license until January 1, 1974.

CHAPTER VI BUILDING REGULATIONS

SECTION 1 GENERAL PROVISIONS

- 6-1-1 Building Inspector Appointment
- 6-1-2 Stop Order
- 6-1-3 Interpretation
- 6-1-4 Standards
- 6-1-5 Repeal

6-1-1 Building Inspector Appointment At its first regular meeting following each biennial election, the Town Administrator (Board of Trustees) shall appoint a qualified person as Building Inspector. The said Building Inspector shall be the chief enforcement officer for all building regulations contained in this chapter, including the various codes adopted herein by reference except the Fire Prevention Code. He shall make the required inspection, and he shall perform such other duties as the Board may direct. All fees provided herein shall be paid to the Town Clerk and deposited in the general fund.

6-1-2 Stop Order Whenever any work is being done in violation of the provisions of this ordinance, or in variance with the terms of any permit issued for such work, the Building Inspector or his agent may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this ordinance corrected. Such stop order, if oral, shall be followed by a written twenty-four (24) hours (excluding Saturday, Sunday, or holidays). It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the Building Inspector or his agent, the Mayor, or the Board of Trustees.

6-1-3 Interpretation Wherever in the Building Code or other Codes contained in this chapter it is provided that anything must be done for the approval of or subject to the direction of, the inspecting agents or any other officer of the Town, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective Codes have been complied with; and no such provision shall be construed as giving any officer or agent discretionary powers as to what such conditions and things not prescribed by ordinance or Code, or to enforce ordinance provisions in an arbitrary or discriminatory manner.

6-1-4 Standards All work on the construction, alteration and repair of buildings and other structures and any form of work done in connection therewith shall be performed in a good, workmanlike manner according to accepted standards and practices in the trade.

6-1-5 Repeal All other building ordinances or ordinances in conflict or inconsistent with the provisions of this chapter are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation, of any ordinances hereby repealed prior to the taking effect of this ordinance.

SECTION 2 BUILDING CODE

- 6-2-1 Adoption of Code
- 6-2-2 Conflicts Between Uniform Codes

6-2-1 Adoption of Code The Uniform Building Code, 1970 edition, of the International Conference of Building Officials, 50 South Los Robles, Pasadena, California 91101, including all appendices except as hereinafter stated is hereby adopted as The Building Code of the Town of Marble, Colorado, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all building or structures in the Town of Marble, Colorado, providing for the issuance of permits and the collection of fees therefore, and the fixing of penalties for violations thereof. Three (3) certified copies of said Code are on file in the office of the Town Clerk, and may be inspected during regular business hours.

6-2-2 Conflicts Between Uniform Codes Whenever the provision of the Uniform Building Code shall conflict with the provisions of the National Electric Code, the provisions of the Uniform Building Code shall supercede the provisions of such other adopted Codes.

see
ord #3
Sec 1982

4-11-76
5 copies

SECTION 3 ELECTRICAL CODE

- | | | | |
|-------|--------------------------------|-------|------------------------------|
| 6-3-1 | Adoption of Code | 6-3-6 | Application for Permit |
| 6-3-2 | Compliance Required | 6-3-7 | Permit Fees |
| 6-3-3 | Wiring Alterations & Additions | 6-3-8 | Building Inspector Shall |
| 6-3-4 | Inspection | | Keep A Record of All Permits |
| 6-3-5 | Temporary Connections | 6-3-9 | Liability for Damages |

6-3-1 Adoption of Code The National Electric Code, 19 edition, of the National Board of Fire Underwriters, 17 Batterymarch Road, Boston 10, Massachusetts, is hereby adopted as the Electrical Code of the Town of Marble for regulating the installation, alteration, repair, and maintenance of electric conductors and equipment installed within or on public or private buildings within the Town, and providing for the safe guarding of persons and property from hazards arising from the uses of electricity for light, heating, power, radio, signalling and other purposes. Three (3) certified copies of said Code are on file in the office of the Town Clerk and may be inspected during regular business hours.

6-3-2 Compliance Required It shall be unlawful for any person to install, alter, repair or maintain any electrical conductors or equipment within or any public or private building within the Town or cause the same to be done contrary to or in violation of any of the provisions of the National Electric Code as adopted herein.

6-3-3 Wiring Alterations and Additions It shall be unlawful for any person to make any alterations or additions in the existing wiring of any building for the placing of any electric lights, motors, heating devices, or appliances requiring the use of electric current, or make any alterations in any electrical appliance or wiring in any building, without first applying for and securing a permit therefor; provided, however, that no permit shall be required for minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare wires and repairing drop cords.

6-3-4 Inspection.

(a) Upon the completion of the wiring of any building, it shall be the duty of the person, firm or corporation doing the same to notify the Building Inspector, who shall inspect the installation within twenty-four hours of the time such notice is given; and if it is found to be fully in compliance with the ordinance and does not constitute a hazard to life and property, he shall issue a certificate of inspection authorizing connection to the electrical service and the turning on of the current. All wires which are to be hidden from view shall be inspected before concealment, and the person, firm or corporation installing such shall notify the Building Inspector giving him twenty-four hours in which to make the required inspection before the wires are covered. It shall be unlawful for any person to fail or refuse to give such notice as required herein.

(b) The inspector periodically shall make a thorough examination of all the electrical wires and appliances installed within the Town of Marble, when such wires or appliances are found to be in dangerous or unsafe condition, he shall notify the person, firm or corporation owning, using, operating or installing the same to place them in a safe condition within fifteen days or such longer time as may be deemed reasonable by the inspector, such notification shall be in writing. It shall be unlawful for any person to fail or refuse to obey such order. The Building Inspector is hereby empowered to order the disconnection of electrical service to any defective installation or appliance if the same shall constitute an immediate hazard to the public health, safety and welfare.

6-3-5 Temporary Connections Where, from good and sufficient cause, it is necessary to have electricity on any installation before final certificate can be issued, the building inspector may issue a temporary permit provided that all parts to which current is applied are in a safe and satisfactory conditions.

6-3-6 Application for Permit Application for permit to install electrical wires and appliances shall be made to the Building Inspector by the contractor or other person installing such wires and appliances.

6-3-7 Permit Fees Where a permit is required for the installation of electrical wiring, devices or appliances by this section, the fees shall be as herein stated:

*National Fire Underwriters
470 Atlantic Avenue
Boston, Mass.*

- (a) A minimum charge of two (\$2.00) dollars for the first circuits each additional circuit shall be one (\$1.00) dollar.
- (b) A minimum charge on one (\$1.00) dollar for the installation of five (5) fixtures or less; additional fixtures shall be ten (10¢) cents each.
- (c) Motors: The first machine shall be one dollar and fifty cents (\$1.50); each additional motor shall be fifty (50¢) cents.
- (d) Incandescent signs or signs lights: There shall be a minimum charge of two (\$2.00) dollars per 150 watt or less output; each additional 50 watt output or fraction thereof shall be fifty (50¢) cents.
- (e) Neon and gas filled tube signs: The first transformer shall be two (\$2.00) dollars; each additional transformer shall be one (\$1.00) dollar.
- (f) Transformers and rectifiers: The minimum charge shall be two (\$2.00) dollars for the first ten (10) KVA or less; each additional ten (10) KVA or fraction thereof shall be one (\$1.00) dollar.

6-3-8 Building Inspector Shall Keep a Record of All Permits The Building Inspector shall keep a record of all permits issued and inspections made.

6-3-9 Liability for Damages This ordinance shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to any one injured or any property destroyed by reason of the performance of any inspection authorized herein, or the issuance of any certificate of inspection as herein provided.

SECTION 4 PLUMBING CODE

- | | | | |
|-------|------------------------------|-------|---------------------------------------|
| 6-4-1 | Adoption of Code | 6-4-6 | Application for & Issuance of Permit |
| 6-4-2 | Plumbing License Required | 6-4-7 | Permit Fees |
| 6-4-3 | Application for License; Fee | 6-4-8 | Tapping Charges |
| 6-4-4 | Plumbing Permit Required | 6-4-9 | No Connection Until Plumbing Approved |
| 6-4-5 | No Permit for Minor Repairs | | |

6-4-1 Adoption of Code The Technical Plumbing Code of the Colorado State Department of Public Health, 4210 East 11th Ave, Denver, Colorado 80220, as amended to _____, is hereby adopted as the Plumbing Code of the Town of Marble for regulating the installation, enlargement, repair, and maintenance of plumbing and drainage of all kinds. Three (3) certified copies of said Code are on file in the office of the Town Clerk and may be inspected during regular business hours.

6-4-2 Plumbing License Required It shall be unlawful for any person to engage in or work at the business, trade, or calling of a journeyman plumber or of a master plumber, within the Town, without first having procured a license therefor. No such license shall be issued to any person unless he is duly licensed as such a journeyman plumber or master plumber by the proper authority of the State of Colorado. The said requirement for a license shall not apply to the owner of any property doing work in or about his own buildings, provided that he first obtains the necessary permit therefor and satisfies the building inspector that he is competent to make such installation or repairs.

6-4-3 Application for License; Fee Application for a plumber's license shall be made to the clerk upon forms provided for this purpose. At the time of making such application, the applicant shall furnish proof that he is licensed as a journeyman plumber or master plumber by the State of Colorado. The annual license fee for a master plumber shall be one hundred (\$100.00) dollars for the first year, renewable for thirty-five (\$35.00) dollars per year, the annual license fee for a journeyman plumber shall be fifteen (\$15.00) dollars for the first year, renewable for five (\$5.00) dollars per year.

6-4-4 Plumbing Permit Required It shall be unlawful for any person to begin any job of plumbing work or to connect with any water or sewer line without first obtaining a permit for such plumbing work.

6-4-5 No Permit for Minor Repairs No permit will be required for minor repair work. By minor repair work is meant the repair of leaks in pipes, drains and faucets, opening up of waste and supply pipes, traps or drains,

3/21/25
5 copies

Superseded by Ord. #4 Ser 1982

or replacing broken fixtures or frozen pipes inside the walls of buildings. Where wastes or fixtures are changed, a permit must be taken out.

6-4-6 Application for and Issuance of Permit Application for permit shall be made to the Building Inspector and it shall be accompanied by plans which are sufficient for him to determine whether such work will comply with the provisions of this Code. If the application is filed by a licensed master plumber or otherwise qualified person and it appears from the plans that the provisions of this Code will be complied with, permit therefor shall be issued. Such permit shall be posted on the site of the work and kept there until the work is completed.

6-4-7 Permit Fees

(a) For each tap into a sanitary or storm sewer the fee shall be five (\$5.00) dollars.

(b) For additional fixtures installed to an existing plumbing installation, the fee shall be two (\$2.00) dollars for each fixture.

(c) For the replacement of old plumbing fixtures with new, the fee shall be one (\$1.00) dollar for each fixture.

(d) For each installation of a lawn sprinkling system, the fee shall be two (\$2.00) dollars.

6-4-8 Tapping Charges

(a) For each plumbing installation where a water test is not required and there shall be not more than five (5) waste outlets the fee shall be three (\$3.00) dollars, therefor, and shall be fifty cents (50¢) for each additional outlet.

(b) For each plumbing installation where a water test is required and there are not more than five (5) waste outlets the fee shall be four (\$4.00) dollars. Where there are more than five (5) waste outlets the fee shall be four (\$4.00) dollars for the first five (5) and fifty (50¢) cents for each additional outlet.

6-4-9 No Connection Until Plumbing Approved It shall be unlawful for any person to make any plumbing connection to any water or sewer line or to cover up any plumbing work until a certificate is obtained from the Building Inspector showing that he has inspected and approved the installation.

SECTION 5 FIRE PREVENTION CODE

6-5-1 Adoption of Code

6-5-2 Enforcement

6-5-1 Adoption of Code The 1965 abbreviated edition of the Fire Prevention Code published by American Insurance Association, 222 West Adams St., Chicago, Illinois 60606, at least three (3) copies of which have been properly certified as true copies, and are now on file in the office of the Town Clerk, is hereby adopted and enacted by reference as part of the Code of the Town of Marble.

6-5-2 Enforcement

(a) The Code hereby adopted shall be enforced by the Chief of the Fire Department.

(b) The Chief of the Fire Department shall have power to modify any of the provisions of the Code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Dept. thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(c) Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Trustees within thirty (30) days from the date of the decision appealed.

CHAPTER VII PLANNING AND ZONING REGULATIONS

SECTION 1 PLANNING AND ZONING COMMISSIONS

- 7-1-1 Planning and Zoning Commissions Created
- 7-1-2 Members of Commission
- 7-1-3 Qualifications of Commission Members
- 7-1-4 Organization and Rules
- 7-1-5 Staff and Finances
- 7-1-6 Powers of Commissions
- 7-1-7 Planning Commission; Purpose In View
- 7-1-8 Zoning Commission; Purpose in View

7-1-1 Planning and Zoning Commissions Created Pursuant to the authority conferred by Articles 59 and 60, Chapter 139, Colorado Revised Statutes, 1963, there is hereby created a Planning Commission and a Zoning Commission for the Town of Marble. The members of the Planning Commission shall also serve, and are hereby appointed as the Zoning Commission.

Statute
change
?

7-1-2 Members of Commission The Town Planning Commission shall consist of five (5) members as follows: The Mayor, Town Administrator, or his appointee, and one (1) member of the Board of Trustees selected by the Board of Trustees, all of whom shall be ex officio members of the commission and shall serve during their respective official tenures except that the Town Administrator shall be a permanent member. The other two (2) members shall be appointed by the Board of Trustees. The term of each appointed member shall be six years or until his successor takes office except that the respective terms of the members first appointed shall be as follows; One (1) member for a term of two (2) years, one (1) member for a term of four (4) years and one (1) member for a term of six (6) years. The respective terms of the members first appointed shall be fixed and designated by the Board at the time of appointment.

7-1-3 Qualifications of Commission Members All members of the Planning and Zoning Commission shall be bona fide residents in the Town of Marble and if any member ceases to reside in the Town, his membership shall immediately terminate. All members of said Commissions shall serve as such without compensation and the appointed members shall hold no other municipal office, except that one (1) such appointed member may be a member of the zoning board of adjustment.

7-1-4 Organization and Rules Each Commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of the chairmen shall be one (1) year, with eligibility for re-election. Each Commission shall hold at least one (1) regular meeting in each month and such meetings may be held consecutively on the same date. Each Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions findings, and determinations, which record shall be a public record.

7-1-5 Staff and Finances Each Commission, jointly or severally, may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Town. Each Commission may also, with the consent of the Board, contract with town planners, engineers, and architects and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board which shall provide the funds, equipment, and accommodations necessary for the commission's work.

7-1-6 Powers of Commissions Each Commission shall have all of the powers and perform each and all of the duties specified by said Chapter 139, Articles 59 and 60, Colorado Revised Statutes, 1963, together with any other duties or authority which may hereafter be conferred upon them by the laws of the State of Colorado. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments.

7-1-7 Planning Commission; Purpose in View In the preparation of a master plan the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and its relations to neighboring territory. The plan shall be prepared with the general purpose of planning and accomplishing a coordinated,

adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

7-1-8 Zoning Commission; Purpose in View The Zoning Commission shall prepare its regulations in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration, among other things as to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

SECTION 2 ZONING ORDINANCE

- 7-2- 1 Purpose
- 7-2- 2 Authority
- 7-2- 3 Interpretations and Definitions
- 7-2- 4 Description of Districts
- 7-2- 5 Zoning Map
- 7-2- 6 Application
- 7-2- 7 Principal Permitted Uses
- 7-2- 8 Uses Permitted Only With Planning Commission Approval
- 7-2- 9 Temporary Uses
- 7-2-10 Permitted Accessory Uses
- 7-2-11 Space Requirements
- 7-2-12 Maximum Building Heights
- 7-2-13 Maximum Lot Coverage
- 7-2-14 Exceptions to Maximum Buildings Heights and Yard Setbacks
- 7-2-15 Off Street Parking Requirements
- 7-2-16 Off Street Loading Requirements
- 7-2-17 Non-Conformance
- 7-2-18 Signs and Outdoor Advertising Devices
- 7-2-19 Classification
- 7-2-20 Non-Conformance Signs
- 7-2-21 Administration: Enforcement
- 7-2-22 Board of Zoning Adjustment
- 7-2-23 Notification, Violations, and Penalties
- 7-2-24 Architectural Control
- 7-2-25 Amendments; Procedures
- 7-2-26 Minimum Size of New Districts
- 7-2-27 Violation and Penalty
- 7-2-28 Complaints
- 7-2-29 Interpretation, Conflicts and Validity
- 7-2-30 Conflict

7-2-1 Purpose These regulations shall be for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Marble, Colorado, by: The lessening of congestion in the streets and roads or reducing the waste of excessive amounts of roads; securing safety from fire and other dangers; providing adequate light and air; classification of land uses and the distribution of land development and utilization; protection of the tax base; securing economy in governmental expenditures; and the protection of urban and non-urban development.

7-2-2 Authority This ordinance is authorized by Article 60, Chapter 139 of the Colorado Revised Statutes, 1963 as amended, and is hereby declared to be in accordance with all provisions of those statutes.

7-2-3 Interpretation and Definitions For the purpose of this ordinance certain words and phrases used herein shall be defined or interpreted as follows:

- (a) The word "lot" includes "plot" or "parcel".
- (b) "Occupied" or "used" shall be construed to also include "intended, arranged, or designed to be used or occupied."
- (c) Word Definitions:
- (1) Accessory building or structure A building or structure on the same lot with the building or structure housing the principal use, but housing a use customarily incidental and subordinate to & customarily associated with the principal use.
 - (2) Accessory Use A use customarily associated with, but subordinate to the principal use on the same zone lot.
 - (3) Building Any structure having a roof, and supported by columns and / or walls.
 - (4) Building Height The vertical distance is measured from the average finished grade at the building setback lines to the point lying one-half of the distance between the lowest and highest point of the roof.
 - (5) Club Any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and recreational uses, and further, whose activities are not conducted principally for monetary gain.
 - (6) Dwellings A building designed to be used as the living place for one (1) or more persons or families.
 - (7) Dwelling Unit A building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family.
 - (8) Family One (1) or more persons occupying a common household, but not including boarding or rooming houses, lodges, clubs, hotels, or fraternities.
 - (9) Garage, Commerical Any building or structure where automobiles, trucks or commercial vehicles are stored, repaired, painted, or equipped for a remuneration.
 - (10) Gross Floor Area For the purpose of this ordinance, the sum of all of the roofed-over floor area of a building, measured from its exterior walls, and including all accessory buildings on the same lot.
 - (11) Home Occupation Any use customarily performed within a dwelling by the inhabitants thereof, but which is incidental to the residence use. Such home occupation use shall have no external evidence, except a sign as permitted in 7-2-19 (f) and shall be operated only by persons residing on the premises. The following shall not be considered to be home occupations: barber shops, beauty parlors, photo studios, dance studios, antique sales, animal hospitals or clinics, medical or dental clinics, mortuaries, any type of store, sales, display showrooms, tourist homes and music schools.
 - (12) Hotel A building containing sleeping rooms designed to be rented for short term occupancy, and which may or may not have eating or drinking facilities as an accessory use.
 - (13) Junk Yards A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles machinery or other materials and including the sale of whole or parts thereof.
 - (14) Kennel Any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six (6) or more animals that are over four (4) months old.
 - (15) Loading Area A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.
 - (16) Lot A parcel of land occupied or designed to be occupied by one (1) or more buildings, structures or uses, arranged so as to meet all of the requirements of this ordinance, and facing upon a public street. A lot may or may not coincide with ~~plots~~ ^{lots} on a subdivision plat, ~~but must be under~~ ^{for the purposes of this ordinance}
 - (17) Lot Area The number of square feet included within a lot as measured within the boundaries of the lot, measured on a horizontal plane upon with the boundaries have been vertically projected.
 - (18) Lot Length The average distance from the street to the rear of the lot, measured perpendicularly from the street line upon which the lot faces.
 - (19) Lot Width The average distance between two (2) side lots lines, measured perpendicularly from one of the sides.

two or more persons related by marriage, adoption, or other or less unrelated

but all the lands included therein must be under the same ownership

- (20) Motel A building or groups of buildings containing individual rooms for sleeping or living, designed and used for temporary rental occupancy and with automobile parking space adjacent to or within the proximity of each rental unit.
- (21) Non-Conforming Legally existing at the time of passage of this ordinance but failing to meet all of the requirements of this ordinance.
- (22) Outdoor Advertising Device A building or structure either independent of or attached to another building or structure and which is shaped, painted or made in such a way as to advertise a commodity, place or service or to support a pasted, painted, or attached advertisement for any commodity, place or service.
- (23) Parking Area An open space or an enclosed structure or building used exclusively for the temporary storage of automobiles.
- (24) Parking Space That part of a parking area, exclusive of driveways, turning areas or loading spaces, devoted to parking for one automobile or vehicle.
- (25) Parking, Off Street Any parking area located wholly within the limits of one (1) or more lots.
- (26) Public Building or Use Any building open to the general use, participation or enjoyment of the public and owned by the Town, County, State or Federal government or by a public utility corporation.
- (27) Public Utility For the purpose of this ordinance only: an electric substation, a gas regulator station, a telephone exchange, a water or sewer pumping station, or a water reservoir.
- (28) Seat An individual chair designed to seat one (1) person, or part of a bench designed to seat one (1) person, but measuring at least 18" in width.
- (29) Set Back The distance required by this ordinance between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angles buildings or lots, curved streets, etc., exist, the set back shall be taken as an average distance.
- (30) Sign Any structure, poster, banner, insignia, billboard, trademark, or other device used to indicate directions, advertise, announce or attract attention; except that flags and banners of any country, state, city or non-profit organization shall not be included.
- (31) Structural Alteration Any addition to, or subtraction, or parts of a building including walls, columns, beams, girders, foundations, doors and windows.
- (32) Structure Anything constructed or erected upon the ground, except utility poles, flag poles or walls and fences less than four feet (4') high.
- (33) Trailer Court An area of land upon which one (1) or more house trailers are located and used for dwelling purposes.
- (34) Use The purpose for which any land, structure, or building is designed, maintained or occupied.
- (35) Use-by-right Any use listed as a principal permitted use in this ordinance in any given zone district. (See Section 7-2-7)
- (36) Yard The space on the same lot as a building or structure that is unoccupied and open to the sky.
- (37) Yard, Front That portion of a yard between the street line and the building, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.
- (38) Yard, Rear That portion of a yard between the rear of a building and a rear lot line, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.
- (39) Yard, Side All the yard between the front and rear yards, the width of which shall be the least distance between the side lot and the building.

7-2-4 Description of Districts For the purpose of carrying out the provisions of this ordinance the Town of Marble, is hereby divided into the following zoning districts:

(a) R-1 Low Density Residence This district is for the standard urban-density subdivisions, usually composed of single-family dwellings.

(b) R-2 Medium Density Residence This district is for a higher density of dwelling units than in the R-1 District, where more than one (1) unit is desired within a building.

(c) Business (B) This zone is to provide for any business uses that would ordinarily be located within a small town such as Marble.

(d) Industrial (I) This zone provides for any industrial uses that are an asset to the area and which would not be a nuisance in respect to excessive light, noise, smoke, vibration, heat, odor, dust, or vulnerability to fire or explosion.

(e) Heavy Industrial (H-I) This zone permits all industrial uses permitted in the Industrial district, as well as certain additional uses as enumerated.

7-2-5 Zoning Map The location of the zoning districts hereby established are shown on the map entitled, "Town of Marble, Colorado Official Zoning Map", dated July 1, 1973, and is hereby made, along with explanatory matter thereon, a part of this ordinance. The official map shall be filed at the office of the County Clerk, and shall be kept current at all times. All amendments to the map made in conformity with this ordinance shall be recorded on the map within one week of its adoption, showing general location, effective date, and nature of the change. Unless otherwise specified on the official zone map, zone boundaries shall be construed to lie: on the center line of streets and alleys; on lot lines or platted subdivisions; on railroad right-of-way boundaries; on the boundary lines of zoning districts or incorporated areas or on section lines.

7-2-6 Application Except as hereinafter provided in this section, or by a variance granted by the Board of Zoning Adjustment:

(a) No building, structure, or land shall hereinafter be occupied or used, and no building or structure or part thereof shall be erected, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(b) No building or structure shall hereinafter be erected or altered:

- (1) To exceed the height;
- (2) To accommodate or house a larger number of families;
- (3) To occupy a greater percentage of the lot;
- (4) To have narrower or smaller rear yards, front yards, side

yards, or other open spaces, than is herein permitted in the district in which the building or structure is located.

(c) No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of this ordinance may be included in whole or in part in meeting the requirements of other building or structure.

(d) No yards of lots existing at the time of the adoption of this ordinance shall hereinafter be reduced below the minimum dimensions or area required by this ordinance.

7-2-7 Principal Permitted Uses The following uses are the principal uses-by-right in the districts in which they are enumerated:

(a) R-1 Low Density Residence.

- (1) Dwellings
- (2) Schools; public, parochial, private, non-commercial;
- (3) Churches and Sunday Schools
- (4) Community centers, other public buildings and uses;
- (5) Parks, and playgrounds
- (6) Accessory uses as enumerated in 7-2-10.

(b) R-2 Medium Density Residence.

- (1) Any use permitted in the R-1 Residence District;
- (2) Accessory uses as enumerated in 7-2-10.

(c) Business.

- (1) Accessory buildings and uses;
- (2) Any use, other than dwellings, permitted as a use-by-right in the R-1 Residence District;
- (3) Amusement and/or recreational businesses;
- (4) Automobile filling stations
- (5) Automobile parking lot;
- (6) Banks;
- (7) Bus or train terminal;
- (8) Club or lodge;
- (9) Commercial garage;
- (10) Dwelling, but only as a custodial function to another use-by-right, but only one dwelling unit per premise;
- (11) Eating and drinking places;
- (12) Frozen food locker;
- (13) Hotel or Motel;
- (14) Offices

(d) Industrial District.

- (1) The manufacture, fabrication and/or processing of any commodity, with the exception, however, of those that usually create excessive amounts of smoke, dust, noise, fumes, vibrations or any other deleterious effect or effects;
- (2) Automobile parking lot;
- (3) Commercial garage;
- (4) Dry-Cleaning plant;
- (5) Dwelling, only as a custodial function to another use-by-right, but only one (1) dwelling unit per premise;
- (6) Filling Station;
- (7) Laboratory;
- (8) Laundry;
- (9) Lumber yard;
- (10) Office;
- (11) Outdoor advertising devices (see Section 7-2-3)
- (12) Printing plant;
- (13) Public buildings and uses;
- (14) Railroad spur lines where such lines are used only for delivery, or loading of freight to industries or businesses in occupancy of the I Zone but not including main line trackage, switch or repair facilities;
- (15) Trailer courts;
- (16) Trucking terminals;
- (17) Wholesale storage and/or sales area.

(e) Heavy Industry.

- (1) Any use or uses allowed as a use-by-right in the industrial district;
- (2) Building material manufacture or fabrication: cinder block, concrete, clay, gypsum, or plaster, wood insulation, cement;
- (3) Dumping of any waste, but by permit only;
- (4) Electric power generating plant;
- (5) Junk yards, including auto wrecking, except only when surrounded by an 8' solid fence;
- (6) Main line railroad facilities, including repair sheds, switch yards.

7-2-8 Uses Permitted Only with Planning Commission Approval The following uses shall be permitted in the following districts, but only after request to and written approval by the Planning Commission. Such request shall be examined by the Planning Commission and approved only if the following conditions are met:

- (a) The use should be compatible with all existing uses on land adjacent thereto;
- (b) The use should not unnecessarily scar the land and soil upon which such use is to be placed, leaving deleterious effects such as denuded slopes, uncovered soil piles to be blown away, scars upon areas of natural beauty, unguarded holes or pits;
- (c) Uses with unsightly aspects, odors or noise must be setback at least 100 feet from adjacent property boundaries;
- (d) Poles, antennae or towers are not permitted where they would interfere with airfield approach zones.
- (e) R-1, R-2, Residence Districts.
 - (1) Public utilities;
- (f) Heavy Industry Districts.
 - (1) Dumping of industrial waste materials.

7-2-9 Temporary Uses Upon application to the Zoning Board, a temporary use permit may be issued for the following uses, in the following zones, and for the following periods of time. Such permits shall be valid only for the period of time specified, and only two (2) renewals of the temporary permit may be granted. Failure to terminate such temporary use by the specified time shall be considered a misdemeanor and is punishable under Section 7-2-29 of this ordinance.

- (a) Use; Zones; Period
 - (1) Construction office, and/or yards incidental to construction on the premises; all zones, nine (9) months.
 - (2) Carnival, circus, bazar, fairs, B, I, or H-I, one (1) week.
 - (3) Tent meetings or crusades, B, I, or H-I, two (2) weeks.
 - (4) Parking for another temporary use; same as temporary use for which it is required; same as for use for which it is required.
 - (5) Non-commercial concrete batching plant, B, I, H-I, six (6) months.
 - (6) Signs erected only for political campaigns; all zones one month.

7-2-10 Permitted Accessory Uses The following uses are permitted in the following districts, provided that they are incidental to and on the same premises as a permitted use.

- (a) R-1 Low Density Residence District.
 - (1) Garage only for the storage of automobiles and/or one (1) commercial vehicle;
 - (2) Automobile parking and loading space, as required in Section 7-2-15;
 - (3) Home occupations or professional offices, but conducted only by residents living on the premises and not exceeding three hundred (300') square feet of gross floor area;
 - (4) Any accessory buildings, structures, or uses required in addition to and in conjunction with any use-by-right in the district;
- (b) R-2 Medium Density Residence District
 - (1) Any Accessory use permitted in the R-1 Residence District.
- (c) Business District
 - (1) Any building or structure incident to any necessary for the operation of a use-by-right in the district.
- (d) I Industrial District.
 - (1) Any building or structure incident to and necessary for the operation of a use-by-right in the district.
- (e) H-I Heavy Industry District.
 - (1) Any building or structure incident to and necessary for the operation of a use-by-right in the district.

7-2-11 Space Requirements

- (a) Minimum Lot Area The minimum lot area per dwelling unit shall not be less than the following areas in the following districts:
 - (1) R-1 Low Density Residence District: A. 6000 square feet;
 - (2) R-2 Medium Density Residence District: A. 3000 square feet per dwelling unit, minimum 6000 square feet.
- (b) Minimum Lot Width The following lot widths shall be the minimum widths allowable in the following districts, expressed in feet:
 - (1) R-1 Low Density 50 feet for one dwelling unit; 37½ feet each additional dwelling unit;
 - (2) R-2 Medium Density: 25 feet per dwelling unit; minimum 50 feet.
- (c) Front Yard Setbacks All buildings and structures shall be set back a minimum of the following distances from the front property line or the projected right-of-way line of any street, the width of which is less than shown on the Major Street Plan:
 - (1) R-1 Low Density: 25 feet;
 - (2) R-2 Medium Density: 25 feet;
 - (3) B Business: None (except that a setback of not less than one half (½) the width shown on the Major Street Plan is required from the center line of the street);
 - (4) I Industrial: None (except that a setback equal to one half (½) the width shown on the Major Street Plan is required from the center of the street);
 - (5) H-I Heavy Industry. 50 feet;
- (d) Side Yard Setbacks All building shall be set back from the side property line a minimum of the following distances in the following zones, except that where a street is adjacent to a side property line, the side setback adjacent to the street shall be one half (½) the distance required for the front setback. In the case where the side street is of less width than that shown on the Major Street Plan, the setback from the center line of the street shall be one half (½) of the width of the projected street plus one half (½) of the front setback.
 - (1) R-1 Low Density: 5 feet for residences and residential accessory uses; 10 feet for all other uses;
 - (2) R-2 Medium Density: same as R-1
 - (3) B Business: None (except that a setback equal to one half (½) width shown on the Major Street Plan is required from the center line of the street);
 - (4) I Industrial: None (except that a setback equal to one half (½) the width shown in the Major Street Plan is required from the center line of the street);
- (e) Rear Yard Setbacks All buildings shall be set back from the rear lot line a distance not to exceed the following, except that where a street abuts to the rear, a distance of not less than half of the front setback requirement may be used:
 - (1) R-1 Low Density: 20 feet, except where alleys abuts: 5 feet;
 - (2) R-2 Medium Density: Same as R-1
 - (3) B Business: 10 feet, except where alley abuts: none;

- (4) I Industrial: 10 feet; and
- (5) H-I Heavy Industry: 20 feet

7-2-12 Maximum Building Heights No building shall hereafter be built or structurally altered to exceed the following heights in the following districts (see Section 7-2-14 for exceptions):

- (1) R-1 Low Density: 35 feet for one dwelling unit, 18 feet in the case of more than one dwelling unit;
- (2) R-2 Medium Density: 35 feet;
- (3) B Business: 50 feet;
- (4) I Industry: No restriction; and
- (5) H-I Heavy Industry: No restriction.

7-2-13 Maximum Lot Coverage The total area of building coverage including main and accessory buildings shall not exceed the following percentages of area of the lot on which the buildings are located in the following zones:

- (1) R-1 Low Density-----30%
- (2) R-1 Medium Density-----35%
- (3) I Industrial-----65%
- (4) H-I Heavy Industry-----50%

7-2-14 Exception to Maximum Building Heights and Yard Setbacks The following uses may be excepted from the maximum height requirements, providing written approval is granted by the Planning Commission who shall have found that the use would injure the value of, use of, or prevent the proper access of light and air to adjacent properties, nor would be out of harmony with the intent and purpose of this ordinance: radio and television towers and antennae, church towers, monuments, chimneys.

In computing yard and open space, the following architectural features shall not be considered: unroofed terraces or patios, cornices, sill, belt courses, chimneys, eaves, or similar features up to a distance of three feet (3') from the face of the building; open fire escapes up to a distance of four (4') from the face of the building, walls, rails, or fences up to a height of four feet (4'); temporary awnings or shading devices.

7-2-15 Off Street Parking Requirements For every building hereafter erected off-street parking spaces shall be provided. Each space shall measure at least eight feet (8') by eighteen (18') and shall be provided with proper ingress and egress. Areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking space requirements. Parking requirements shall apply to all districts. Where more than one use is conducted on a single lot, parking shall be required for each use, even though one is accessory to the other. The following types of use shall require the following off-street parking spaces for both principal and accessory uses. Uses not listed shall require the same parking spaces as the nearest similar use, or may be determined by the Planning Commission.

Use	No. of Spaces
Dwelling, each unit-----	1
Motel, hotels, tourist courts, per rental unit-----	1
Owner of manager's unit-----	1
Auditoriums, churches, stadiums, theaters, or other places to assembly with fixed seats, per 100 square feet-----	1
Without fixed seats, per 100 square feet-----	1
Offices, per 300 square feet-----	1
Restaurants, eating or drinking places, per 4 seats-----	1
Retail sales establishments, including groceries, dry goods, etc, per 100 square feet of area devoted to sales and display-----	1
Hospitals, nursing homes, sanitariums, per 3 beds-----	1
Per staff-----	1
Schools: elementary, nursery, junior high, per classroom-----	1
plus per 300 square feet of office-----	1
Schools: High, university, college, business, per classroom-----	5
plus per 300 square feet of office-----	1
plus per 3 dormitory rooms-----	1
plus as required above for auditoriums-----	1
Industries, warehouses, per 400 square feet of gross floor area-----	1

7-2-16 Off-Street Loading Requirements For the purpose of providing space off of the street for loading or unloading goods of any type, one space shall be required in all districts for any use with a gross floor area of ten thousand square feet or less, including outside storage of goods, but excluding dwellings. Each loading space shall measure at least (ten feet high by thirty-five feet long by fourteen feet wide.) Furthermore, each industrial business or commercial use shall provide an additional space for each fifteen thousand square feet or fraction thereof of gross floor area over and above the first ten thousand square feet.

ask g
truck
driver
is this ok

7-2-17 Non-Conformance Certain uses of land or buildings, size of lots or location or size of structures may be found to be in existence at the time of the passage of this ordinance which do not meet the requirements of the ordinance. It is the intent of this ordinance to allow the continuance of such non-conformance, but not to encourage its enlargement nor to allow its continuance should the use be discontinued for a period of one year, or should the use be destroyed by fire on any other cause. Such non-conformance is declared to be incompatible with other uses in the district.

(a) Conforming and non-conforming lots Some non-conforming lots of record at the time of the passage of this ordinance may be built upon after the passage of this ordinance, but only: 1) with a use-by-right in the zone district; and 2) by approval of the Board of Adjustment.

No lot that in conforming in size of the time of the passage of this ordinance may be sub-divided or reduced in size in such a way that it would become non-conforming, nor cause any building, space or use to become non-conforming.

(b) Alterations and/or extensions No building or use that is nonconforming as of the effective date of this ordinance shall be structurally altered or expanded in any way that would increase the degree or area of non-conformance. The following changes or alterations may be made to a non-conforming building?

- (1) Repair to a building or structure that is ordered by any public official to make it safe;
- (2) Maintenance repairs that are needed to keep the building in good condition;
- (3) Any structural alteration that would not increase the degree of non-conformance or would change the use to conforming one.

(c) Restoration Any nonconforming building or structure that is destroyed by fire, accident, or natural causes to the extent or more than fifty per cent of its valuation, may not be rebuilt except for a conforming use. If less than fifty per cent of the replacement cost at the time of destruction the building may be rebuilt, but not to allow for any expansion of the non-conforming use.

(d) Abandonment If any non-conforming use of land, building or structure is abandoned for a period exceeding one year, no non-conforming use may be reestablished upon such land or within such building or structure.

(e) Previously Approved Uses Any building, use or structure that had been officially approved by the Board or for which a building permit had been issued prior to the passage of this ordinance, may proceed to construct or use such building, structure, or land, providing that the structural members of such building or structure are completed within 1 year of the effective date of this ordinance.

(f) Discontinuance of Non-Conforming Uses The following uses that are not conforming to the zone in which they are located shall be removed from the land or building after the length of time specified has elapsed after the effective date of this ordinance.

- (1) Junk yards: 3 years;
- (2) Uses not enclosed within a building: 3 years;
- (3) Signs, other than accessory: 6 years (See Section 7-2-9) *we had trouble with this!*
- (4) Signs, accessory: 3 years (see section 7-2-9)

(g) Changes in Non-Conforming Use No non-conforming use of a building or structure may be changed to another non-conforming use, except when the new non-conforming use is of a more restrictive nature, as may be determined by the Planning Commission. *this paragraph conflicts & better be changed!*

7-2-18 Signs and Outdoor Advertising Devices No signs nor outdoor advertising devices shall hereafter be erected, altered, maintained or moved, unless such sign or device shall conform with the following regulations. No new sign nor device may be erected unless such sign or device conforms to the following schedule of types of use and classification of signs permitted:

<u>DISTRICT</u>	<u>USES</u>	<u>SIGN TYPES PERMITTED</u>
R-1	Residential Public, Semi-Public	A, F B, D, F
R-2	Residential Public, Semi-Public	A, F B, D, F
B-1		
H-I	Business, Commercial, Industrial	B, C, E, F

7-2-19 Classification The classification of signs or outdoor advertising devices is as follows:

- didn't check this
- (a) Type A. Identification Signs:
 - (1) Purpose: to identify premises, occupants of premises or services performed thereon;
 - (2) Size: 3 square feet maximum per sign;
 - (3) Number: one for each street upon which the property faces;
 - (4) Illumination: none, except for identification of house numbers;
 - (5) Height: no higher from the ground than its distance to the nearest point on the property line, but in no case higher than the roof line or parapet of the highest building on the premises.
 - (b) Type B. Directional Signs:
 - (1) Purpose: to direct the flow of traffic in and out of drives, parking areas, or buildings;
 - (2) Size: 3 square feet maximum per sign;
 - (3) Number: two for each premise upon which such sign is necessary plus 2 for each street or road upon which each premise faces;
 - (4) Illumination: indirect only;
 - (5) Height: no higher from the ground than its distance to the nearest point on the property line, but in no case higher than the roof line or parapet of the highest building on the premises.
 - (c) Type C. Business Signs:
 - (1) Purpose: to announce the name of a business or service establishment and/or to indicate the type of goods sold or services performed;
 - (2) Size: 50 square feet per sign;
 - (3) Number: two per premise;
 - (4) Illumination: indirect, non-flashing; except in B-1 or H-I zones; direct and/or flashing illumination is permitted where such signs would not face into and R-1, R-2 zone within 100 feet of the face of the sign measured perpendicularly;
 - (5) Height: no higher from the ground than its distance to the nearest point on the property line, but in no case higher than the roof line or parapet of the highest building on the premises, except in B, I, or H-I zones a sign may exceed by 18 feet the maximum height of the roof or parapet wall.
 - (d) Type D. Non-residential Identification:
 - (1) Purpose: to announce the name, location, sponsor or occupant of a building or premise, other than a dwelling, farm or ranch, and including bulletin boards for churches;
 - (2) Size: 15 square feet maximum per sign;
 - (3) Number: two signs per each street upon which the premise face;
 - (4) Illumination: indirect only;
 - (5) Height: no higher from the ground than its distance to the nearest point on the property line, but in no case higher than the roof line or parapet of the highest building on the premises.
 - (e) Type E. Outdoor Advertising Sign or Device:
 - (1) Purpose: to advertise anything that may or may not be sold on the premises;
 - (2) Size: not to exceed 5 square feet for every one foot of street frontage of the property upon which the sign is located, but in no case to exceed 300 square feet per sign;
 - (3) Number: total maximum square footage not to exceed 300 sq. ft.
 - (4) Illumination: no limitations, except that where the sign faces an R-1 or R-2 zoned area within 100 feet of the face of the sign measured perpendicularly thereto, no flashing signs or directly illuminated signs shall be permitted.
 - (5) Height: in B, I, or H-I districts, height is limited to not more than 18 feet above the roof or parapet height of the building upon which the sign is located. For ground signs or signs in all other districts, the height shall not exceed the distance from the sign to the nearest point on the property line.
 - (f) Type F. Temporary Signs:
 - (1) Purpose: to announce the sale or leasing of a property or

- (3) Chairman. The members of the Board shall elect from among their number a Chairman to serve for a term of one year.
- (4) Expenses. In the performance of its duties, the Board may incur such expenses as shall be authorized by the Board of Trustees, but no member shall receive any compensation for his services.
- (5) Removal of Members. The Board of Trustees shall have the power to remove any member of the Board for cause after public hearings.

(c) Duties and Powers

- (1) To meet at the call of the chairman, by his request or by the request of the Zoning Enforcement Officer, or by any party wishing to appeal the decision of the same;
 - (2) To adopt any rules necessary to transact the board's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this ordinance;
 - (3) To vote upon the granting of an adjustment to requirements of the zoning ordinance, which vote must require the concurrence of more than one-half the members of the board, in order to revise an order of the enforcement officer; *ck against CRS, may be trouble, quorums.*
 - (4) To keep minutes of the proceedings of each meeting, which shall be filed in the office of the board, who may designate the enforcement officer to keep such files, and which shall be of public record;
 - (5) To permit the public to attend and to be heard at all of its meetings;
 - (6) To notify in writing the enforcement officer and owner involved (and the Planning Commission) of all decisions made, resolutions passed, hearings scheduled or permits authorized;
 - (7) To publish notice of, or cause to be published, (or cause the property to be posted at least ten (10) days prior to) the date of hearings, where such hearings are deemed necessary by the board.
 - (8) The board shall have the power to interpret this ordinance, including any uncertainty as to boundary location, or meaning of wording so long as this interpretation is not contrary to the purpose and intent of the ordinance;
 - (9) The Board shall have the power to grant variances from the provisions of this ordinance, but only where all of the following conditions are found to exist:
 - (A) The variance would not authorize any use other than uses enumerated as a use-by-right in the district;
 - (B) That an unnecessary hardship to the owner could be shown to occur if the provisions of the ordinance were literally followed;
 - (C) That the circumstances found to constitute a hardship either were not created by the owner, or were in existence at the time of the passage of this ordinance, are not due to nor are the result of general conditions in the district, and cannot reasonably be corrected;
 - (D) That the variance would not injure the value, use of, or prevent the proper access of light, and air to the adjacent properties;
 - (E) That the variance would not be out of harmony with the intent and purpose of this ordinance;
 - (10) The board shall act in strict accordance with all of the other applicable laws of the State of Colorado and the County. All appeals to the board shall be in writing and on such a form as shall be prescribed by the board. Every appeal shall indicate what provision is being sought, and the grounds upon which such an appeal is being sought, as required in Section 7-2-23 (c) (9). The Chairman of the Board shall then, within 10 days, call a meeting of the board for the purpose of the review of the requested appeal. At the same time, a copy of the requested appeal shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board before the date set for hearing the appeal. Failure of the Planning Commission to return the requested opinion, shall be considered as its approval of the board's granting of the requested appeal. Notification of the decisions of the board shall then be made in accordance with Section 7-2-23 (c) (6).
- (d) Appeals from the Board. Any further appeal from the decision of the Board may be made to the courts, as provided by law, provided, however, that such appeal is made prior to sixty days (60) following the date of the notification of the board's decision.

7-2-23 Notification, Violations and Penalties Whenever the zoning enforcement officer will find a violation of any of the provisions of this ordinance he shall notify the person responsible of the violation in writing and shall order the necessary correction within a period of 3 months.

7-2-24 Architectural Control In order to ensure the best use and the most appropriate development and improvement of each building site, to preserve the natural beauty of the environment, to guard against the erection of poorly designed structures, to prevent the use of improper or unsuitable materials, and, in general, to provide adequately for a high type and quality of development before a building permit shall be issued for any construction in the Town, the following requirements and special procedures shall be met:

(a) No building, sign or other structure shall be erected, placed, altered or maintained on any premises nor shall any tree be removed on any lot until the building plans, specifications, and plot plan showing the location of such buildings and trees have been submitted in triplicate and approved by a majority of the Zoning and Planning Commission. In the event the Commission fails to approve or disapprove such design and location within 40 days after said plans and specifications have been submitted to it, such approval shall not be required and this zoning requirement shall be deemed to have been fully complied with.

(b) All structures shall have an exterior surface of natural wood (which may have a clear finish or stain but shall not be painted) stone, or glass; and roof surfaces shall be wood or composition shingles, or tar and gravel built up surface, or metal roofing; except that a majority of the Zoning and Planning Commission may allow the use of other materials for walls and roof surfaces, provided such materials are designed and located in harmony with surrounding structures and natural land features.

(c) Trees shall not be removed on any lot except as follows:

(1) Actual land occupied for buildings plus a five foot (5') clearance strip adjacent to the perimeter thereof;

(2) On residential lots, one entrance driveway not more than thirty feet (30') in width, and an off-street parking area not more than one-third the size of the total floor area of the principal building on each lot;

(3) On all non-residential lots, one entrance driveway not more than thirty feet (30') in width per 150 feet of lot frontage, & an off-street parking area not more than three (3) times the size of the total floor area of the principal building on each lot;

(4) A recreational area not to exceed ten per cent (10%) of the total area of the lot;

(5) Diseased trees, tree damaged by natural causes, and other trees which interfere with utility lines may be removed by authorization of the Board of Trustees.

(d) All decisions of the Planning and Zoning Commission may be appealed to the Board of Trustees within 30 days thereof.

7-2-25 Amendments; Procedure

(a) Amendments, supplements, changes or repeal of this ordinance or any section thereof, or to the official zoning map be initiated by application of:

- (1) Any citizen or group of citizens, firm or corporation residing, owning or leasing property in the Town;
- (2) By the Planning Commission;
- (3) The Board of Trustees

(b) Application for an amendment to this ordinance shall be made on such a form as the Planning Commission shall prescribe and shall be filed with the Town Clerk. Applications for an amendment to the Official Zoning Map shall contain all of the following information:

(1) Description of land area to be rezoned, and requested new classification along with a sketch to scale showing boundaries of area requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area.

(2) A statement of justification for the rezoning, including one of the following conditions: (1) changing area conditions; (2) error in original zoning; (3) conformance to Master Plan for area; or (4) peculiar suitability of the site to a certain use.

(3) Description and sketches, if available, of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within 200' of the boundary of the proposed area of change in all directions.

No such set of plans shall be accepted by the engineer unless they carry the seal of a registered professional engineer in the state of Colorado. Where said plans are prepared by an architect or engineer.

conflicts?

prepared by registered surveyor?

- (4) Time schedule for any contemplated new construction or uses.
- (5) Justification for any contemplated new construction or uses.
- (6) Effect that the new zoning would have on adjacent uses.

(c) All applications for changes to the zoning ordinance or map shall be referred by the Town Clerk to the Planning Commission, which commission shall return a recommendation either recommending for or against the proposed change to the Board within fifteen days of the receipt thereof.

(d) Before any amendment to this ordinance or map is enacted, a public hearing shall be held; fifteen (15) days advance notice of the time and place of which shall be published in a newspaper having general circulation within the Town.

(e) The adoption of any amendment shall require the favorable vote of a majority of the Board of Trustees except; however, where there is filed a protest against a map change by the owners of more than 20 per cent of the property:

- (1) Within the proposed area of change, and/or;
- (2) Immediately adjacent thereto to the rear extending one hundred (100') feet, and/or;
- (3) Facing the proposed change directly across a street and extending one hundred (100') feet from the street frontage;

the favorable vote of three-quarters of the Board shall be required to approve an amendment or map change that has not been recommended by the Planning Commission.

7-2-26 Minimum Size of New Districts No amendment to the official Zoning Map shall be made that would create or allow to remain a zoned area of less than the following gross area for the following districts:

- (1) R-1 Low Density Residence: 1 sq. block
- (2) R-2 Medium Density Residence: 1/2 block
- (3) B Business; 1 sq. block
- (4) I Industrial: 1 sq. block
- (5) H-I Industrial: 10 sq. blocks

*very poor, What is a block?
better use acres or sq ft.*

7-2-27 Violation and Penalty Failure to comply with all of the provisions of this ordinance, unless a variance has been authorized by the board, shall constitute a misdemeanor and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$100.00, or imprisonment for a period of not more than thirty (30) days, or both. Each day that such a violation continues to exist shall be considered as a separate offense.

7-2-28 Complaints Any person aggrieved by a violation or apparent violation of the provisions of this ordinance may file a written complaint with the zoning enforcement officer, who shall immediately investigate such complaint and take legal action to have the violation penalized and removed, if such a violation is found to exist.

state law doesn't require this, leave it out! can cause trouble!

7-2-29 Interpretation, Conflicts, and Validity The provisions of this ordinance shall be interpreted and applied to be the minimum required for the proper protection of the public health and morals, and the promotion of safety and general welfare.

7-2-30 Conflict Whenever these requirements are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances the one which is the most restrictive, or which requires the higher standard shall apply.

SECTION 3 SUBDIVISION REGULATIONS

- | | |
|---|---------------------------------|
| 7-3-1 Authority | 7-3-12 Improvements |
| 7-3-2 Control | 7-3-13 Required Improvements |
| 7-3-3 Jurisdiction | 7-3-14 Procedure |
| 7-3-4 Vicinity Sketch Map | 7-3-15 Release of Guarantee |
| 7-3-5 Preliminary Plat | 7-3-16 Definitions |
| 7-3-6 Final Plat | 7-3-17 Variances |
| 7-3-7 Site Considerations | 7-3-18 Planned Unit Development |
| 7-3-8 Streets, Alleys, & Easements | 7-3-19 Penalty |
| 7-3-9 Blocks | 7-3-20 Interpretation |
| 7-3-10 Lots | 7-3-21 Amendment |
| 7-3-11 Public Sites, Reservations and Dedications | 7-3-22 Separability |

7-3-1 Authority No Final Plat of a subdivision shall be approved and accepted by the Board of Trustees unless it conforms to the provisions of this ordinance.

Drainage design requirements?
Street sewer (etc) design req'mts?
Planning and Zoning Regulations
(Submission Regulations)

7-3-2 Control

(a) Whoever divides a lot, tract or parcel of land into (2) or more lots, plats, sites or other divisions of land for the purpose whether immediate or future, of sale or building developments shall make the transaction subject to the provisions of this ordinance whether a plat is recorded or not.

(b) All plats of a subdivision of land within the Town of Marble shall be filed and recorded only after having been approved by the Board with such approval entered in writing on the plat and signed by the Mayor and attested by the City Clerk.

(c) No building shall be erected on any lot, nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been dedicated and approved by the Board as a part of an official subdivision.

7-3-3 Jurisdiction This ordinance is applicable within the following described areas:

(a) All land located within the legal boundaries of the Town of Marble;

(b) All land located within three (3) miles of the corporate limits of the Town of Marble and not located in any other municipality for the purposes of control with reference to the major street plan only. C.R.S. 139-59-14 (1963)

7-3-4 Vicinity Sketch Map In order to properly evaluate a prospective area for subdividing, a vicinity sketch map shall be prepared at a scale of one (1") inch equals four hundred (400') feet, extending at least one quarter mile beyond the proposed subdivision, and showing existing streets and highways, natural drainage courses, and similar major natural or man-made features of the area. In addition, existing and proposed major use areas for residential, commercial, industrial, and public purposes shall be shown on the map. This sketch map shall be presented to the Town Administrator ~~prior to submission of the Preliminary Plat.~~ *What do they do with it?* *or less, if appropriate,* *which shall be*

7-3-5 Preliminary Plat After the subdivier has reached preliminary conclusions concerning the feasibility and design of his proposed subdivision, he shall prepare a Preliminary Plat and required supplemental material for presentation to and approval of the Planning and Zoning Commission. The purpose of this preliminary review is to check the proposed subdivision against design standards and improvements requirements and to be sure that zoning and master plan standards are met. Thorough analysis of the problems at this stage will expedite approval of the Final Plat and will prevent the repeating of expensive calculations and drafting required for the Final Plat.

(a) Preliminary Plat shall be processed as follows:

(1) Twelve (12) copies of the Preliminary Plat, required supplemental material, and a fee in the amount of \$25.00 to cover the cost of review shall be presented by the subdivier to the Town Administrator's Office. The Preliminary Plat shall be presented at least ten (10) days prior to a regular Planning and Zoning Commission meeting. If the plat is in acceptable condition according to these regulations, the Town Administrator shall, when appropriate, furnish the following agencies with a copy(ies) for their review and comments:

- (A) Fire Protection District
- (B) Water Commission
- (C) Department of Health
- (D) Department of Public Works
- (E) Public Service Company of Colorado
- (F) Mountain States Telephone Company
- (G) Ditch and Irrigation Companies
- (H) Applicable County Planning Commission
- (I) Inter-County Regional Planning Commission
- (J) School Board for the area; and
- (K) Colorado State Highway Department

The above agencies shall have 15 days from the date they receive the plat to review and return it to the Town Administrator's office. Failure to return the plat or otherwise to notify the Town Administrator shall constitute approval by the agency.

(2) The Planning and Zoning Commission shall consider the comments of the other agencies before reaching their decision to approve, conditionally approve or disapprove the plat.

(3) Within thirty (30) days after receiving the Preliminary Plat the Planning and Zoning Commission shall notify the subdivier of its approval, conditional approval or disapproval. When circ--

Very good!

Prepared under the direct supervision of

Planning and Zoning Regulations
(Subdivision Regulations)

stances require an additional period of time for review, the Town Administrator shall notify the subdivider in writing of the extended time period required. If the plat is conditionally approved or disapproved, the reasons shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval. Approval of the Preliminary Plat shall be void for no longer than one (1) year. A six (6) month extension of time may be applied for on the basis of unforeseen circumstances.

(4) Within fifteen (15) days after a Preliminary Plat is approved, conditionally approved or disapproved the subdivider or an interested official agency may request in writing a review and hearing before the Planning and Zoning Commission.

(b) The Preliminary Plat shall be prepared as follows:

(1) The design shall be in accord with the subdivider's plans for actual development, and, therefore, shall be a true representation of the subdivision which may eventually be recorded, *don't like this!*

(2) The drawing shall be made at a scale of ~~one (1")~~ ^{appropriate scale} inch equals one hundred (100') feet, on a reproducible medium with outer dimensions of twenty-four (24") inches by thirty-six (36") inches.

(c) The preliminary plat shall contain the following information:

(1) Proposed name of the subdivision;

(2) Location and boundaries of the subdivision as a part of some larger subdivision or tract of land;

(3) Names and addresses of the subdivider, the designer of the subdivision, and the engineer or surveyor (who shall be licensed by the Colorado State Board of Examiners for Engineers and Land Surveyors);

(4) Date of preparation, scale, and north sign (designated as true north);

(5) Total acreage of the subdivision;

(6) Location and principal dimensions for all existing streets (including their names) alleys, easements, water courses, and other important features within and adjacent to the tract to be subdivided;

(7) Location and principal dimensions for all proposed streets (including their names), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses;

(8) Topography at two (2') foot intervals;

(9) Designation of areas subject to inundation and perpetual drainage easements;

(10) Site data, including the number of residential lots and typical lot sizes;

(11) Proposed sites, if any, for multiple-family residential use, business areas, industrial areas, churches, and other non-public uses exclusive of one-family residential uses;

(12) Zoning on and adjacent to the tract;

(13) The names of abutting subdivisions or the names of the owners of abutting, unplatted property;

(14) The location and size of existing utilities within or adjacent to the tract; and

(15) The location of all existing building that are to be retained on the site.

(d) The Preliminary Plat shall be accompanied by the following:

(1) Such additional preliminary information as may be requested by the Planning and Zoning Commission in order to adequately evaluate proposed utility systems, surface improvements, or other construction projects contemplated within the area to be subdivided;

(2) Application form for rezoning, if required for the development of the subdivision.

7-3-6 Final Plat

(a) The Final Plat shall be processed as follows:

(1) Not more than twelve (12) months after approval of the Preliminary Plat, the original and four (4) copies of the Final Plat, and the required supplemental material shall be presented by the subdivider, to the Town Administrator's Office. The Final Plat shall be presented at least ten (10) days prior to a regular Planning and Zoning Commission meeting;

(2) The Final Plat shall substantially conform to the approved Preliminary Plat and shall include all changes specified thereon;

(3) After reviewing the Final Plat to assure its acceptability, the Town Administrator shall present the plat to the Planning and Zoning Commission for review;

*not necessarily
you couldn't read
in some places
around here.*

- (4) The Planning and Zoning Commission shall review the Final Plat and approve it, approve it subject to certain conditions or reject it;
- (5) After reviewing the Final Plat, the Planning and Zoning Commission shall submit it together with the Commission's recommendations in writing to the Board of Trustees for final action.
- (6) Upon receipt of the plat and the recommendations of the Planning and Zoning Commission, the Board of Trustees shall approve, disapprove or refer the plat back to the Planning and Zoning Commission for further study. If the plat is disapproved or referred, the reasons shall be stated in writing and a copy of the reasons furnished to the subdivider, within ninety (90) days of approval of the Final Plat by the Town Board, the subdivider shall record the plat in the office of the County Clerk and Recorder or the approval by the Board of Trustees shall be considered null and void. Written application to the Board of Trustees for an extension of the time period may be made by the subdivider.

- (b) The Final shall be prepared as follows;
- (1) The design shall conform to the Preliminary Plat as conditionally approved, except that the Final Plat may constitute only that portion of the approved Preliminary Plat which is proposed for immediate recording;

(2) The drawing shall be made at a scale of either one (1st) inch equals one hundred (100') feet, by the use of India ink or other equally substantial solution, on a reproducible medium with outer dimensions of (2') feet by thirty-six (36") inches; *or what?*

- (c) The Final Plat shall contain the following information;

- (1) The proposed name of the subdivision;
- (2) Scale, north sign and date;
- (3) Legal description of the property, together with a complete reference to the book and page of County records;
- (4) A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred;
- (5) Tract boundary lines, right of way lines of streets, easements, and other rights of ways, irrigations ditches, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs or chords, and central angles of all curves;
- (6) Names and right of way widths for each street or other rights of way;
- (7) Location, dimensions and purposes of any easements;
- (8) Number to identify each lot or site, and each block;
- (9) Location and description of monuments;
- (10) Statement of land ownership by the subdivider;
- (11) Statement by owner dedicating streets, rights of way and any sites for public uses; *Surveyors prepare plats!*
- (12) Certification by surveyor or engineer certifying to accuracy of survey and plat; *re-word,*
- (13) Certification for approval by the Planning and Zoning Commission and by the Board of Trustees; *by who? is this a Torrens state?*
- (14) Certification of title.

- (d) The Final Plat shall be accompanied by the following;
- (1) A statement that required improvements are in place or;
- (2) A bond guaranteeing that improvements shall be constructed according to official specifications; or
- (3) A certified check sufficient to cover the cost of the construction of the required improvements as specified in Sections 7-3-12 to 7-3-15 of the Ordinance; and
- (4) Perpetual drainage easements for areas subject to flooding.

7-3-7 Site Considerations

(a) Steep land, unstable land, and areas having inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling problems which may endanger health life or property such areas shall not be platted for residential occupancy.

(b) Any land in a natural drainage channel shall not be platted for occupancy, unless adequate provisions to eliminate or control flood hazards are made and approved. These provisions shall be made to protect the health, safety and welfare of the public, as well as to eliminate any flood hazard resulting from the development of the area.

*against CRS
carefully!
ok this*

*by who? further clarification needed
good idea
poor wording
no way.*

(c) Where a residential subdivision borders a railroad right of way, either a parallel street, deep lots, or a buffer strip shall be required.

7-3-8 Streets, Alleys and Easements

(a) Streets shall conform to the comprehensive street and highway plan of the Town of Marble.

(b) Streets shall be aligned to join with planned or existing streets, where desirable.

(c) Streets shall be designed to bear a logical relationship to the topography, so that cuts and fills are minimized. *conform as nearly as possible to topography, by logical tangents where curves are on curves.*

(d) Intersections shall approximate right angles as closely as possible.

(e) Cul de sacs shall be permitted, provided they are not more than five hundred (500') feet in length and have a turn-around diameter of at least one hundred (100') feet. *drainage shall be toward the intersection street, or if this is not possible, a drainage easement shall be required through the cul de sac.*

(f) Dead-end streets, with the exception of cul de sacs, shall be prohibited unless they are designed to connect with future streets, in adjacent land ~~that~~ has not been platted, in which cases a temporary turn-around easement of eighty (80') feet shall be required.

(g) Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatments shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.

(h) Half streets shall be prohibited. When a proposed half street in one (1) subdivision is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be dedicated. *and built.* The responsibility for acquiring the additional right of way shall be the subdividers.

(i) Reverse curves on the major arterials shall be joined by a tangent at least two hundred (200') feet in length.

(j) Reserve strips controlling access to streets, are permitted only when the control of such strips is given to the Town.

(k) Street, alley, and easement right of way widths and grades shall not be less than the following:

Classification	Right of Way	Width	Minimum Grade	Maximum Grade
Arterial Highways	(ADT) > 5000	120'	0.5	5%
Major Streets	1200-5000	100'	0.5	5%
Collector Streets	500-1200	80'	0.5	7%
Local Streets	< 500	60'	0.5	7%
Marginal Access Streets	?	40'	0.5	7% - too flat
Alleys (where permitted)		20'		
Easements		14'		

Geometric design of Arterial highways shall conform to policies of the Colorado Highway Department for urban design.

delete possibility these traffic count!

could delete

(1) Alleys and Easements
 (1) Alleys shall be provided in commercial and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access;
 (2) Easements of not less than seven (7) feet in width shall be provided for utilities on each side of all rear lot lines where alleys are not provided and along each side of certain side lot lines. *blocks are an outmoded concept*

7-3-9 Blocks Block lengths and widths shall be suitable for the uses contemplated and shall be adequate for requirements pertaining to minimum lot sizes and dimensions..

7-3-10 Lots
 (a) Lot dimensions and sizes shall be at least as large as required by applicable zoning requirements.

(b) Each lot shall have vehicular access to a public street.
 (c) Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or from incompatible land uses.
 (d) Side lot lines shall be substantially at right angles or radial to street lines, except where topographic or boundary constraints, would, in the opinion of the town, cause this requirement to be impractical.

7-3-11 Public Sites, Reservations and Dedications
 (a) Dedications of right of ways for public streets, drainage easements and utility easements shall be required.
 (b) Reservation of sites for schools and other public uses shall be mutually agreed upon by the subdivider and the Board of Trustees following

recommendations from the public agencies directly involved in the development and service of these areas.

(c) Six (6%) per cent of the total land area of the tract being subdivided shall be dedicated for public purposes, except in cases where satisfactory dedication arrangements were made and approved by the Board of Trustees at the time of annexation or subdivision.

alternative arrangements

more than this could come

out in 3/1/19

7-3-12 Improvements Before accepting a Final Plat, the Board of Trustees shall be notified in writing by the Town Administrator that the required improvements have been installed according to Town specifications and approved by the Town Administrator or that a completion bond or certified check sufficient to cover the cost of the construction of the required improvements has been received from the subdivider.

7-3-13 Required Improvements The following improvements shall be installed and all utility services and lines shall be placed underground:

- (a) Survey monuments;
- (b) Sanitary sewers;
- (c) Water lines;
- (d) Telephone and electric lines;
- (e) Gas lines;
- (f) Storm sewers, culverts or bridges (where required);
- (g) Curbs and gutters;
- (h) Sidewalks;
- (i) Street paving;
- (j) Fire hydrants;
- (k) Street signs; and
- (l) Other items not specifically mentioned herein but found necessary

due to conditions found on the site by the Town Administrator may be required.

7-3-14 Procedure No improvements shall be made, until all required plans, profiles, and specifications for such improvements have been submitted and approved by the Town Administrator.

7-3-15 Release of Guarantee As each stage of improvements is completed, inspected and accepted, the amount of guarantee sufficient to cover that phase of the development shall be released upon written request by the subdivider to the Board of Trustees.

7-3-16 Definitions As used in this Ordinance, the following words shall be interpreted and defined in accordance with the provisions set forth in this Section:

- (a) The particular controls the general.
- (b) Streets and Alleys The term street means a way for vehicular traffic, whether designated as a street, alley, highway, thoroughfare, parkway, throughway road, avenue, boulevard, lane, place or however otherwise designated.

How much tra

- (1) "Arterial highways" are limited access streets which provide for fast moving traffic which may or may not stop in the Marble area.
- (2) "Major streets" are the principal local travelways carrying traffic volumes from one side of the Town to the other.
- (3) "Collector streets" carry traffic from the local streets to major streets and principal generators within the community, such as neighborhood shopping centers, schools and recreation areas.
- (4) "Local streets" provide primarily for access to abutting properties.
- (5) "Marginal access streets" are local streets which are parallel to and adjacent to expressways or arterial highways.

(c) "Subdivider" The term "subdivider" or "developer" means any person, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

(d) "Subdivision" The term "subdivision" means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future of sale or building development.

ck against CRS

(e) "Unit Development" A unit development is a project located on at least three (3) acres of land, including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that the maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced, while still being in harmony with the surrounding neighborhood.

(f) "Drainage Easement" A granting to the Town of the right to control development of a drainage right of way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris.

7-3-17 Variances

(a) Unusual Conditions The Planning and Zoning Commission and Board of Trustees may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the subdivider. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this Ordinance. The conditions of any variance authorized shall be stated in writing in the minutes of the Planning and Zoning Commission, with the justifications set forth.

7-3-18 Planned Unit Development If a planned unit development is proposed, a variance to the requirements of this Ordinance may be authorized by the Planning and Zoning Commission and Board of Trustees. Section 7-3-2-(a), (b), and 7-3-3 shall continue to determine the necessity of submitting a subdivision plat.

(a) Special Requirements

- (1) The tract or parcel of land involved shall be either in one ownership or the subject of an application filed jointly by the owners of all the property to be included.
- (2) In residential areas, the minimum amount of functional open space (exclusive of streets and parking) shall be twenty-five (25%) per cent of the total acreage.
- (3) Residential unit developments shall not exceed twenty (20) dwelling units per acre.
- (4) Areas and facilities of joint use shall be retained in title by the developers, or deeded to an organization composed of all home owners in the development.

(b) Procedure for Plan Approval. A unit development proposal shall be processed in the following manner:

- (1) A pre-application discussion should be held between the developer and the Planning and Zoning Commission.
- (2) The necessary information as specified herein shall be submitted to the Planning and Zoning Commission and to the Board of Trustees for their review and approval.
- (3) Following approval of the Board of Trustees, and before a building permit is issued, the unit development plan shall be recorded with the Town Clerk.
- (4) A unit development plan may be amended by the addition of adjacent tracts of land (which may be less than three (3) acres in size) or the original design may be amended, provided all procedures followed are the same as those required for initial approval and that the basic concept of the original plan is preserved.

(c) Information Required An application for a unit development shall contain the following information:

- (1) Proposed name of the area;
- (2) Total acreage;
- (3) A site plan showing the proposed location and dimensions of all structures;
- (4) Land to be retained as functional open space, the purpose for which it is to be used, and an explanation of how such open space will be preserved and maintained;
- (5) A circulation plan for vehicles and pedestrians;
- (6) Uses to be developed in the area, and the proposed density of development;
- (7) Topography at two (2') foot intervals;
- (8) A legal description of the property;
- (9) The proposed construction time schedule;
- (10) Screening and major landscape plans; and
- (11) Such additional information as may be requested by the Planning and Zoning Commission and Board of Trustees in order to grant the exceptions required by the unit development.

7-3-19 Penalty Any subdivider who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a penalty of not more than three hundred (\$300) dollars or a jail sentence of not more than ninety (90) days or by both such fine

and imprisonment. Each day that a violation of this Ordinance continues shall constitute a separate and distinct offense, and shall be punishable as such.

7-3-20 Interpretation In the interpretation and application of the provisions of this Ordinance, the following regulations shall govern:

(a) Provisions are Minimum Requirements In their interpretation and application, the provisions of this Ordinance shall be regarded as the minimum requirements, for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Ordinance shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.

(b) Application of Overlapping Regulations Whenever both a provision of this Ordinance, and any other provisions of this ordinance, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind, contain any restriction covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(c) Existing Permits This Ordinance is not intended to abrogate or annul:

- (1) Any permits issued before the effective date of this Ordinance;
- or
- (2) Any easement or covenant.

7-3-21 Amendment The Planning and Zoning Commission and the Board of Trustees may amend the requirements of this Ordinance after giving public notice of any such proposed amendment and after holding a public hearing thereon in accordance with 139-59-14 of the Colorado Revised Statutes, 1963.

7-3-22 Separability It is hereby declared to be the legislative intent that the several provisions of this Ordinance shall be severable in accordance with the provisions set forth below:

(a) If any Provision is Declared Invalid If any provision of this Ordinance is declared to be invalid by a decision of any court of competent jurisdiction it is hereby declared to be the legislative intent that:

- (1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
- (2) Such decision shall not affect, impair or nullify this Ordinance as a whole or any other part thereof, but the rest of this Ordinance shall continue in full force and effect.

(b) If the Application of Any Provision is Declared Invalid If the application of any provision of this Ordinance to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is declared to be the legislative intent that:

- (1) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgement or decree of invalidity was rendered; and
- (2) Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision thereof, to any other tract of land.

CHAPTER VIII LICENSING

SECTION 1 GENERAL PROVISIONS

- 8-1-1 Applications
- 8-1-2 Persons Subject to License
- 8-1-3 Forms
- 8-1-4 Signatures
- 8-1-5 Investigations
- 8-1-6 Fees
- 8-1-7 Termination of Licenses; Renewal
- 8-1- 8 Building & Premises
- 8-1- 9 Changes of Location
- 8-1-10 Inspections
- 8-1-11 Revocation
- 8-1-12 Return of Fees
- 8-1-13 Posting License

8-1-1 Applications Application for all licenses and permits required by any provision of this Code or any code adopted herin shall be made in writing to the Town Clerk in the absence of a specific provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for.

8-1-2 Persons Subject to License Whenever in this code or in any code adopted herein a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts, to perform any part of such business or occupation in the Town.

8-1-3 Forms Forms for all licenses and permits, and applications therefor, shall be prepared and kept in file by the Town Clerk.

8-1-4 Signatures Each license or permit issued shall bear the signatures of the Mayor and the Town Clerk, in the absence of any specific provision to the contrary. The Mayor may authorize in writing that his signature may be affixed by the Town Clerk by facsimile, rubber stamp or other method. Such license or permit shall be in substantially the following form:

No. _____

STATE OF COLORADO
By Authority of
THE TOWN OF MARELE

LICENSE \$ _____

Permission is hereby given to _____ to maintain and carry on the following described business of _____ for the term of _____ months, being from the _____ day of _____ A.D. 19____ to the _____ day of _____ A.D. 19____, both days inclusive.

IN TESTIMONY WHEREOF the signatures of the Mayor and Clerk is hereunto affixed this _____ day of _____ A.D. 19____.

(SEAL)

Mayor

ATTEST:

Town Clerk

8-1-5 Investigations Upon the receipt of an application for a license or permit where any provision of this Code or of any code adopted herein necessitates an inspection or investigation before the issuance of such permit or license, the Town Clerk shall refer such application to the proper officer, board or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, board or commission charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The health commissioner shall make or cause to be made an inspection in regard to such licenses in the connection

of the care and handling of food and the preventing of nuisances and the spread of disease, for the protection of health; the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise specifically provided, shall be made by the Chief of Police or by another officer designated by the Town Administrator.

8-1-6 Fees In the absence of any specific provision to the contrary, all fees and charges for licenses or permits 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 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 fees shall become a part of the general fund.

8-1-7 Termination of Licenses; Renewal In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the fiscal year. Unless specifically otherwise stated, all annual licenses may be renewed upon payment of the annual license fee to the Town Clerk without further examination or investigation.

8-1-8 Building and Premises No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and any code adopted hereby. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code of the Town (Chapter VII, Section 2 of this code).

8-1-9 Change of Location The location of any licensed business or occupation or of any permitted act, may be changed, provided ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided that the building and zoning requirements of this Code and any code adopted hereby are complied with.

8-1-10 Inspections

(a) Whenever inspections of the premises used for in connection with the operation of a licensed business or occupation are provided for or required by this Code or by any code adopted herein, or are reasonably necessary to secure compliance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested, and it shall be unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request, and it shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.

(c) Conviction of a violation of any provision of this Section shall automatically forfeit and revoke any license issued under this Chapter; provided, that there shall be no violation of this Section unless written demand is made upon the licensee or person in charge of the premises, in the name of the Town stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample.

8-1-11 Revocation The Board of Trustees may, upon seven (7) days written notice to a licensee stating the contemplated action and in general the grounds thereof, and after a reasonable opportunity to be heard, revoke any license issued by the town if it finds that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license;

(c) The licensee has violated any of the terms of the provisions pertaining to his license or any regulation or order lawfully made relating thereto; or

(d) Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license.

8-1-12 Return of Fees Upon refusal of any license, the fee therefore paid in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefor shall be and remain the moneys of the Town and no refund shall be made to any licensee.

8-1-13 Posting License It shall be the duty of any person conducting a licensed business in the Town to keep his license posted in a prominent place on the premises used for such business at all times.

SECTION 2 ROOMING HOUSES

8-2-1	Definitions	8-2- 7	Responsibility for Cleanliness
8-2-2	Licenses	8-2- 8	Plumbing Requirements
8-2-3	License Fees	8-2--9	Inspections
8-2-4	Term of License	8-2-10	Sleeping in Walk Ways Prohibited
8-2-5	Registration Required		
8-2-6	Minimum Space Requirements		

8-2-1 Definitions For the purpose of this Section, the following words shall have the following meanings;

(1) Rooming House shall include any building or portion thereof which is utilized for the purpose of furnishing rooms or accommodations to any person, or any person acting in a representative capacity or any other combination of individuals by whatever name, who for a consideration, uses, possesses or has the right to use or possess any room or rooms in such building, including, but without limitation thereto, in a house, hotel, apartment house, lodging house, motel, guest house, mobile homes, auto camps, trailer courts, and parks, under any concession, permit, right of access, license to use, or other agreement or otherwise; providing however, the rental of a house under written agreement for occupancy thereof for a period of thirty (30) days shall not be considered a "rooming house" under this Section.

8-2-2 Licenses Any person desiring to operate a rooming house within the Town shall make written application for a license to do so to the Town Clerk and shall state in such application the following information:

- (a) Name and address of owner and manager;
- (b) Name and address of business to be licensed;
- (c) Number of rooms and the number of persons that can be accommodated in each room;
- (d) Number of rooms with private bath;
- (e) Bath facilities for rooms without baths.

Immediately upon receipt of the application together with the license fee as hereinafter prescribed, the Town Clerk shall notify the Building Inspector who shall inspect the premises to be licensed; and the application, together with the inspector's report, shall be submitted to the Board at its next meeting. The Building Inspector shall determine if all the requirements by the Town have been met. The Board shall approve or reject in writing said application.

8-2-3 License Fees The license fee payable hereunder shall be the sum of fifty (\$.50) cents per bed according to the number of beds shown on the application with a minimum fee of two (\$2.00) dollars and a maximum fee of twenty (\$20.00) dollars per license.

8-2-4 Term of License All licenses shall be issued for the balance of the fiscal year when granted or for the next ensuing fiscal year. All licenses shall be non-transferable without the written consent of the Board and no license fee shall be refunded to the holder of a license in the event the licensed premises ceased to be so used. The Board shall have the right to refuse an applicant when the Board has reason to believe that the applicant will not conduct the rooming house in accordance with this Code or any code adopted herein or the laws of the State of Colorado.

8-2-5 Registration Required Every person to whom a license shall have been issued to conduct a rooming house shall at all times keep a daily standard register in which shall be inscribed the names of all guest or

wares merchandise, fruits, vegetables, or country produce, traveling from place to place, or from house to house, or from street to street, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot or by vehicle or any other type of conveyance.

8-3-3 Application for License Applicants for a solicitor's or peddler's permit and license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin his business, a sworn application in writing on a form to be furnished by the Clerk, which shall give the following information:

- (a) Name and description of the applicant;
- (b) The permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (d) If employed, the name, address, and phone number of the employer together with credentials establishing the exact relationship between the employer and employee;
- (e) The length of time for which the right to do business is desired;
- (f) Two (2) identical photographs of the applicant which reasonably identify the applicant; such photographs to measure two (2") inches by two (2") inches;
- (g) The fingerprints of the applicant;
- (h) A statement taken by the Town Clerk or Chief of Police as to whether or not the applicant has ever been convicted of any crime or misdemeanor, and if the applicant has been so convicted, a statement as to the nature of the offense and conviction;
- (i) A written statement of a reputable physician of this state dated not more than five (5) days prior to the filing of the application, certifying the applicant to be free of contagious, infectious or communicable disease.

At the time of the filing of the application, a fee of ten (\$10.00) dollars shall be paid to the Town Clerk to cover the cost of investigating the facts stated herein.

8-3-4 Investigation and Issuance of License Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and moral character & health.

If as a result of such investigation, the applicant's character and business responsibility or health is found to be unsatisfactory, the Town Clerk shall so endorse upon the application and set forth the reasons therefor, and thereupon shall notify the applicant of the disapproval of such application and that no permit or license will be issued thereunder.

If, as a result of such investigation, the applicant's character and business responsibility and health are found satisfactory, the Town Clerk shall endorse the same on the application and upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license and permit to carry on such business within the corporate limits of the Town for a period of time, not exceeding thirty (30) days, except as hereinafter set forth.

The license and permit so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license or permit issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof, and a two inch by two inch photograph of the applicant.

8-3-5 License Fee The license and permit fee which shall be charged in advance by the Town Clerk for any such license and permit shall be two dollars and fifty cents (\$2.50) per day, ten dollars (\$10.00) per seven (7) day week, or twenty-five dollars (\$25.00) per thirty (30) day month.

- (a) An annual license and permit may be obtained by paying to the Town Clerk the sum of fifty (\$50.00) dollars per year in advance. 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 and permit is to be in full force and effect, the

persons renting or occupying rooms which register shall be signed by the person renting the room or rooms or by someone under his direction. Registration as herein required shall be completed before such person is permitted to occupy such rooms. Such register shall at all times be open to inspection by an officer of the Town.

8-2-6 Minimum Space Requirements It shall be unlawful for any person who owns or operates a rooming house to rent or offer to rent any room for sleeping purposes that does not contain a minimum of forty (40) square feet of floor area for each occupant.

8-2-7 Responsibility for Cleanliness Every owner and operator shall at all times keep the rooming house and all parts thereof in a clean and sanitary condition.

8-2-8 Plumbing Requirements At least one (1) flush water closet, lavatory basin and bath tub or shower, properly connected to the water and sewer system and in good working order shall be supplied for each ten (10) persons residing within the rooming house. Every lavatory basin, bath tub or shower shall be supplied with hot water at all times.

8-2-9 Inspections Wherever upon inspection of any rooming house the Building Inspector finds that conditions or practices exist which are in violation of any provision of this Code or any code adopted herein he shall give the operator notice that unless such condition or practice is corrected within a reasonable time, his license may be suspended or revoked. At the end of such period the Building Inspector shall reinspect said premises and if the condition or practice has not been corrected, he shall report such fact to the Board of Trustees and such violation shall be sufficient grounds to warrant the Board to suspend or revoke such license. Nothing herein contained shall limit the power of the Town to prosecute any violation of this ordinance as otherwise provided in this Code.

8-2-10 Sleeping in Walk Ways Prohibited It shall be unlawful for the owner or manager at any time to permit anyone, whether a paying guest, or not, to sleep in any corridors or part of any room normally used as a walk way or hall.

8-2-11 Unlawful Operators It shall be unlawful for any person to operate a rooming house without first having obtained a license as required by this chapter, or to operate a rooming house after such license has been suspended or revoked.

SECTION 3 PEDDLERS AND SOLICITERS

- 8-3-1 Peddlers and Solicitors Licensed
- 8-3-2 Definitions
- 8-3-3 Application for License
- 8-3-4 Investigation and Issuance of License
- 8-3-5 License Fee
- 8-3-6 Exhibition of License
- 8-3-7 Revocation of License
- 8-3-8 Appeal
- 8-3-9 Expiration of License

8-3-1 Peddlers and Solicitors Licensed It shall be unlawful for any solicitor or peddler, as defined herein, to engage in such business within the corporate limits of the Town without first obtaining a permit and license therefor in compliance with the provisions of this Code.

8-3-2 Definitions

- (1) Solicitor A solicitor is any person whether resident of the Town or not, traveling either by foot or vehicle or any other type of conveyance, from place to place, or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever for future delivery or for services to be performed or furnished in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.
- (2) Peddler A peddler is any person, whether resident of the Town or not, who shall sell and deliver or offer for sale to consumers, any goods,

Town Clerk can suspend the said permit and license and any such business carried on after the suspension of the license shall be deemed a violation of this section.

(b) None of the license fees provided for herein shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for a license or permit to place an undue burden upon such commerce, he may apply to the Board of Trustees for an adjustment of the fees so they will not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume of business and such other information as the Board may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Board shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which they shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and not discriminatory, or, if the fee has already been paid, a refund shall be ordered of the amount over and above the fee so fixed.

8-3-6 Exhibition of License Solicitors and peddlers are required to exhibit their licenses and permits at the request of any citizen of the Town.

8-3-7 Revocation of License Permits and license issued hereunder may be revoked by the Board, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or false statement contained in the application of the license;
- (b) Fraud, misrepresentation, of false statement made in the course of carrying on his business as solicitor or as peddler;
- (c) Any violation of this Code;
- (d) Conviction of any crime or misdemeanor involving moral turpitude;
- (e) Conducting the business of soliciting or of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his local address as set forth on the application, at least five (5) days prior to the date set for the hearing.

8-3-8 Appeal Any person aggrieved by the action of the police or the Town Clerk in the denial of a permit or license or the suspension of the same, shall have the right of appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such persons last known address, by means of a written statement setting forth fully the grounds for the appeal. The Board shall set a time and place for the hearing and shall give notice to the appellant in the same manner as provided in 8-3-7. The decision of the Board shall be final and conclusive, except as provided by the laws of the State of Colorado.

8-3-9 Expiration of License All licenses issued under the provisions of this section shall expire on the date as set forth thereon.

SECTION 4 TRAILER COACHES

8-4-1	Definitions	8-4-10	Sewage & Refuse Disposal
8-4-2	Permit for Location Outside of Park	8-4-11	Garbage Receptacles
8-4-3	License	8-4-12	Fire Protection
8-4-4	License Fees	8-4-13	Animals and Pets
8-4-5	Application for License	8-4-14	Register of Occupants
8-4-6	Trailer Coach Park Plan	8-4-15	Supervision
8-4-7	Water Supply	8-4-16	Revocation of License
8-4-8	Sanitation Facilities	8-4-17	Posting of License
8-4-9	Laundry Facilities	8-4-18	Alterations and Additions
		8-4-19	Miscellaneous Laws & Regulations

8-4-1 Definitions As used in this ordinance:

- (1) Natural or artificial barrier means any river, pond, canal, railroad, levee, embankment, fence, or hedge.
- (2) Park means trailer coach park
- (3) Trailer Coach means any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- (4) Independent Trailer Coach means a trailer coach with a flush toilet, a bath or shower, and a sink.
- (5) Dependent Trailer Coach means a trailer coach which does not have a flush toilet and a bath or shower.
- (6) Trailer Coach Park means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
- (7) Trailer Coach Space means a plot of ground within a trailer coach park designed for the accommodation of one (1) trailer coach, and shall consist of one thousand (1,000) square feet.

8-4-2 Permit for Location Outside of Park

(a) It shall be unlawful for any person to use or occupy a dependent trailer coach for human habitation within the limits of the Town, except in a licensed trailer coach park.

(b) It shall be unlawful for any person to use or occupy an independent trailer coach for human habitation within the limits of the Town, except in a licensed trailer coach park, without first obtaining a permit therefor from the Town Clerk. No permit shall be issued unless the following requirements are met:

(1) The proposed location shall be in compliance with the zoning ordinances of the Town now in effect or hereinafter adopted. No more than one (1) trailer shall be located on any one (1) lot, tract, or parcel of land, except in a licensed trailer coach park.

(2) No trailer coach shall be located closer than ten (10) feet to any building and shall also be located as to comply with all requirements as to set-back lines and side and rear yards, as now or hereinafter provided for buildings by zoning ordinances of the Town.

(3) The plumbing and electrical connections shall be in accordance with the ordinances of the Town.

(4) All trailers using gas, kerosene, gasoline, or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and with the exception of a supply container for each trailer, no gasoline, kerosene, or fuel oil shall be stored on the premises, and said supply container must be approved by the Fire Chief of the Town. Every connection between a liquified petroleum gas container and its appliance shall be of metal pipe. No liquified petroleum gas container shall be permitted inside of any trailer. All trailers shall comply with the regulations of the Colorado State Department of Public Health controlling carbon monoxide poisoning in trailers.

(c) The Building Inspector shall, upon receipt by the Town Clerk of a written application for permit, make an inspection to determine if the foregoing requirements are satisfied. Upon approval of the Building Inspector, the Town Clerk shall issue the permit. A two (\$2.00) dollar charge shall be made for each permit.

(d) Any trailer coach, located outside of a trailer coach park, from which the wheels have been removed, except temporarily for the purpose of making repairs, and any trailer which has any room, lean-to, or other addition connected therewith, or used in connection therewith, shall be deemed to be a permanent residence and shall be made to conform to all the requirements of the building ordinance and code now in effect or hereinafter adopted.

8-4-3 License It shall be unlawful for any person to maintain or operate within the limits of the Town, any trailer coach park unless such person shall first obtain a license therefor. All trailer coach parks in existence upon the effective date of this ordinance shall obtain such license and in all other respects comply fully with the requirements of this Ordinance upon expiration of existing license.

8-4-4 License Fees The annual license fee for each trailer coach park shall be one hundred (\$100.00) dollars for the first fifteen (15) trailer coach spaces as defined herein, and five (\$5.00) dollars for each trailer coach space in excess thereof.

check w/ new statute

8-4-5 Application for License Applications for a trailer coach park license shall be filed with the Town Clerk and issued by the Town Board upon approval of the application by the Building Inspector. Applications shall be in duplicate, in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the trailer coach park.
- (c) A complete plan of the park showing compliance with 8-4-6 of this Ordinance.
- (d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.
- (e) Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with legal requirements.

If the applicant is found to be of good moral character, and the proposed trailer coach park will be in compliance with all provisions of this Ordinance and all other applicable ordinances or statutes, the Town Board shall approve the application, and upon completion of the park according to the plans, shall issue the license.

8-4-6 Trailer Coach Park Plan The trailer coach park shall conform to the following requirements:

- (a) The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Trailer coach spaces shall be provided consisting of a minimum of one thousand (1,000) square feet for each space which shall be at least twenty-five (25') feet wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least a fifteen (15') foot clearance between trailer coaches; provided, however, that with respect to the trailer coaches parked end-to-end, the end-to-end clearance between trailer coaches may be less than fifteen (15') feet but shall be not less than ten (10') feet. No trailer coach shall be located closer than ten (10') feet from any building within the park or from any property line bounding the park.
- (c) All trailer coach spaces shall abut upon a driveway of not less than twenty-five (25') feet in width and have unobstructed access to a public street, alley, or highway. All driveways shall be gravel or hard surfaced, well marked in the daytime and lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100') feet located approximately fifteen (15') feet from the ground.
- (d) Walkways not less than two (2') feet wide shall be provided from the trailer coach space to the service buildings. The walkways shall be gravel or hard surfaced, well marked in the daytime, and lighted at night with twenty-five (25) watt lamps at intervals of one hundred (100') feet located approximately fifteen (15') feet from the ground.
- (e) An electrical outlet supplying at least one hundred ten volts (110) shall be provided for each trailer coach space.
- (f) Each park shall provide service buildings to house toilet facilities as hereinafter more particularly prescribed; provided however, that such building or buildings shall not be required for a trailer coach park serving only independent trailer coaches; provided further, however, that if service buildings are provided, all provisions of this Ordinance relating to service buildings shall be applicable. Any license issued to a trailer coach park serving only independent trailer coaches shall bear the following notation on its face: LIMITED TO INDEPENDENT TRAILER COACHES. It shall be unlawful for any person operating under such a license to permit a dependant trailer coach to occupy any portion of the trailer park.

8-4-7 Water Supply An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. All water connections shall be made to the public water supply of the Town of Marble, and such supply shall be used exclusively. Each trailer coach space shall be provided with a cold water tap at least four (4") inches above the ground. Such outlets shall be provided with individual valves below frost depth and shall be protected from freezing by proper insulation. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleaning, and laundry facilities.

8-4-8 Sanitation Facilities Each park shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

(a) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a wall.

(b) Toilet facilities for males shall consist of not less than one (1) flush toilet for every ten (10) dependent trailer coaches, one (1) shower or bath tub with individual dressing accommodations for every ten (10) dependent trailer coaches, and one (1) lavatory for every ten (10) dependent trailers.

(c) Toilet facilities for females shall consist of not less than one (1) flush toilet for every ten (10) dependent trailer coaches, one (1) shower or bath tub with individual dressing accommodations for every ten (10) dependent trailer coaches, and one (1) lavatory for every ten (10) dependent trailer coaches.

(d) Anything in subsections (b) and (c) to the contrary notwithstanding, each trailer coach park shall provide for each sex not less than one (1) flush toilet, one (1) shower or bath tub with individual dressing accommodations and one (1) lavatory; and in addition thereto, provide all sanitary facilities required by the ordinances of the Town and the laws of the State of Colorado.

(e) Each toilet and each shower or bath tub with individual dressing accommodations, for which provision is made in subsections (b), (c), and (d) shall be in a private compartment.

(f) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems, and shall be located not closer than ten (10') feet nor farther than two hundred (200') feet from any trailer coach space.

(g) The service building shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service building shall be of water impervious material.

(h) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

8-4-9 Laundry Facilities Laundry facilities shall be provided in the ratio of one double laundry tub and one conventional wringer type washing machine for every twenty trailer coach spaces, or fraction thereof, or one single laundry tub and one automatic or semi-automatic type of washing machine for every twenty trailer coach spaces, or fraction thereof. An electrical outlet shall be provided supplying current sufficient to operate each machine. Drying spaces shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

8-4-10 Sewage and Refuse Disposal Waste from showers, bath tubs, flush toilets, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into an approved private sewer system and into a public sewer system when available. Each trailer coach space shall be provided with a trapped sewer at least (4") four inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flush toilet, lavatory, and kitchen sink of the trailer coach harbored in such space and having any or all of such facilities. The trapped sewer in each space shall be connected to discharge the trailer coach waste into an approved private sewer system and into a public sewer system when available. At the highest point of any sewer connection serving two or more trailer coach spaces, a vent shall be provided from the connection pipe, the top of which shall be not less than twelve feet above the ground.

8-4-11 Garbage Receptacles One tightly covered thirty-two gallon capacity metal garbage can shall be provided for each trailer coach spaces. Racks or holders shall be provided for all garbage cans. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Garbage cans shall be located not further than two hundred feet from any trailer coach space. The cans and their racks or holders shall be kept in sanitary condition at all times.

8-4-12 Fire Protection Every park shall be equipped at all times with one fire extinguisher in good working order for every four trailer coach spaces located not farther than fifty feet from each trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. The provisions of 8-4-2 (b) (4) hereof shall apply to all trailers within every park.

8-4-13 Animals and Pets No owner or person in charge of any dog, cat, or other animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach park.

8-4-14 Register of Occupants It shall be the duty of the licensee to keep a register with a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

- (a) Name and address of each occupant.
- (b) The make, model, and year of all automobiles and trailer coaches.
- (c) License number and owner of each trailer coach and automobile by which it is towed.
- (d) The state issuing such license.
- (e) The date of arrival and of departure of each trailer coach.
- (f) Whether or not each trailer coach is an independent or dependent trailer coach.

The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

8-4-15 Supervision A responsible attendant or caretaker owner or operator shall be in charge at all times to keep the trailer coach park, its facilities and equipment in a clean orderly, and sanitary condition and he shall be answerable, with the licensee, for any violation of the provisions of this ordinance. Such attendant or caretaker, owner or operator, shall be available at any reasonable time to assist the law enforcement officers of the Town in conducting an inspection of the Park.

8-4-16 Revocation of License The Town Board may, after a hearing, revoke any license to maintain and operate a park when the licensee has violated any provision of this Ordinance. After such revocation, the license may be re-issued by the Town Board if the circumstances causing such violation have been remedied or corrected.

8-4-17 Posting of License The license certificate shall be conspicuously posted in the office of, or on the premises of the trailer coach park at all times.

8-4-18 Alterations and Additions No permanent additions of any kind shall be built onto or become a part of any trailer coach. Skirting of trailer coaches is permissible, but such skirting shall not attach the trailer coaches permanently to the ground, provide a harborage for rodents or create a fire hazard. The wheels of the trailer coach shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the trailer coach to prevent movement on the springs while the trailer coach is parked and occupied.

8-4-19 Miscellaneous Laws and Regulations In addition to the requirements set forth in these regulations, all trailer courts and facilities shall be established, constructed, and operated in compliance with all existing state and local statutes, ordinances, codes and regulations.

SECTION 5 KENNELS

- | | | | |
|-------|---------------------|-------|-----------------------|
| 8-5-1 | License Required | 8-5-3 | Registered Dogs |
| 8-5-2 | License Application | 8-5-4 | Dog Licenses Required |

8-5-1 License Required It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household more than two dogs unless the owner or person in charge thereof shall have obtained a kennel license.

8-5-2 License Applications Application for a kennel license shall be made to the Town Clerk and must be accompanied by the written consent to such kennel by at least seventy-five (75%) per cent of all the persons in possession of premises within one hundred (100') feet of the premises upon which the kennel is to be maintained, and accompanied by a deposit of a license fee of twenty-five (\$25.00) dollars for three (3) dogs, an additional one (1) dollar for each dog over three (3), which deposit shall be returned to the applicant if the license is not finally issued. The application shall state the name and address of the owner, where the kennel is to be kept and the number of dogs, Kennel licenses shall not be transferable, and shall expire on June 30 of the year in which issued. Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall within three (3) days report to the Town Clerk and pay the required license fee; provided, however, that whenever puppies are born, such puppies shall not be counted as additions until three (3) months old.

8-5-3 Registered Dogs For every kennel maintained for dogs registered under the rules and regulations of the American Kennel Club it shall not be necessary to license individual dogs, but the owner of such kennel shall pay an annual license fee of ten (\$10.00) dollars provided, however, that all dogs covered by any such kennel license shall be maintained and kept within the kennel or under lease at all times.

8-5-4 Dog Licenses Required The issuance of a kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions hereof be deemed to vary or alter any of the zoning regulations of the Town.

SECTION 1 WATER SERVICE

- | | | | |
|--------|--------------------------------|--------|--|
| 9-1-1 | Creation of Water Department | 9-1-17 | Waste of Water Prohibited |
| 9-1-2 | Superintendent; Powers | 9-1-18 | Supplying Water to Others |
| 9-1-3 | Receipts and Deposits | 9-1-19 | No Use During Fire Alarm |
| 9-1-4 | Inspections | 9-1-20 | Sprinkling Restrictions |
| 9-1-5 | Application for Water | 9-1-21 | Use Outside Corporate Limits |
| 9-1-6 | Tapping Charges | 9-1-22 | Repair & Extension of Mains |
| 9-1-7 | Outside User Fees | 9-1-23 | Metered Service |
| 9-1-8 | Special Fees | 9-1-24 | Water Bills; Payment; Penalty |
| 9-1-9 | Size of Service Tap | 9-1-25 | Delinquent Water Rent; Service
Turned Off |
| 9-1-10 | Fixtures Installed by Plumber | 9-1-26 | Water Account in Name of Owner |
| 9-1-11 | Additional Service or Fixtures | 9-1-27 | Unpaid Water Rents a Lien |
| 9-1-12 | Decrease in Service | 9-1-28 | Unlawful Acts |
| 9-1-13 | Discontinuance of Service | 9-1-29 | Regulations Part of Contract |
| 9-1-14 | Separate Connections Required | 9-1-30 | Schedule of Water Rates |
| 9-1-15 | Service Pipe Regulations | | |
| 9-1-16 | Hose and Nozzle Size | | |

9-1-1 Creation of Water Department There is hereby created and established a Water Department of the Town of Marble for the purpose of the management, maintenance care and operation of the water works of the Town. 7

9-1-2 Superintendent; Powers The Town Marshall shall act as Superintendent of the water works. He shall have the immediate control and management of all things pertaining to the Town water works system, and he shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval of the Town Council. The Board of Trustees shall have the power by motion to prescribe such other and further rules and regulations governing the power and duties of the Superintendent and such other rates, rules and regulations as are not herein contained. 2

9-1-3 Receipts and Deposits The Town Clerk shall keep a correct account of all receipts and materials furnished to consumers, collect the same and deposit the proceeds so collected with the Town Treasurer to the credit of the water works fund of the Town, and in accordance with the direction of the Board.

9-1-4 Inspections Whenever in the judgement of the Superintendent he deems it necessary, he may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

9-1-5 Application for Water Application for the use of water shall be made to the Water Superintendent at his office. The Application must be made by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. In the furnishing of water for any purpose other than domestic purposes, the Town shall not be responsible for the quality or quantity of the water furnished.

9-1-6 Tapping Charges No water services shall be furnished to the consumer until all tap fees and special fees as hereinafter provided have been paid to the Town Clerk. The consumer shall pay to the Town Clerk for each new water tap a fee which shall be the total sum of the following charges: The actual cost to the Town of the corporation cock, expansion joint, curb box, tapping saddle and water meter furnished by the Town to make such tap, and the following sums for each connection to the Town's water system:

5/8" or 3/4"	connection	\$ 235.00-per unit
1"	connection	350.00-per unit
1 1/2"	connection	650.00-per unit
3"	connection	2,100.00-per unit
6"	connection	7,000.00-per unit

9-1-7 Outsider User Fees In addition to the foregoing fee, for a water tap outside of the corporate limits of the Town, the consumer shall also pay for each tap the sum of \$234.47 per acre of land to be served by such tap with a minimum sum of \$117.18. The Superintendent shall determine the area of the land served, the Town may accept water rights that will yield

annually to the Town, in the judgment of the Board of Trustees, 1.5 acre feet of water per acre of land being served.

9-1-8 Special Fees All necessary pipe, fittings, valves, shut off, trenching back filling and installation of the tap, must be at the expense of the consumer, and under the supervision of the Water Superintendent. All water services connection and all water service extensions, both within and without the corporate limits, are subject to special fees as adopted by the Board of Trustees. Tapping must be done by a licensed plumber and a standard corporation cock and expansion joint, furnished by the Town, must be used.

9-1-9 Size of Service Tap No service tap shall be more than five-eighths inch ($5/8''$) in diameter unless special permission is given for a bigger tap, and all plumbing through which water is used shall be installed by a licensed plumber.

9-1-10 Fixtures Installed by Plumber All plumbing and plumbing fixtures, wherever used, shall be of standard make and construction, and shall be installed in the first instance by a licensed plumber, and any plumber altering, changing or adding to any plumbing, shall immediately report the same to the Water Superintendent, and any failure to do so shall constitute a violation of this Code.

9-1-11 Additional Service or Fixtures Should the owner or the occupant of the premises desire additional service or fixtures, or to apply the water for a purpose not stated at the time of the original application, permission must be obtained therefor. When additional fixtures are added and not reported, same shall be charged at double rate for such time as said fixtures are in use, in addition to a five (\$5.00) dollar penalty for such violation to be added on to and collected with the water bill.

9-1-12 Decrease in Service Any consumer who desires to discontinue the use of water for any special purpose, whether for closets, bath tubs or other fixtures, must have faucets removed, supply pipes to fixtures disconnected, and must file written notice with the Superintendent before a reduction in rates for the next succeeding period will be made.

9-1-13 Discontinuance of Service Any person who desires to discontinue the use of water shall file written notice with the Superintendent and pay all current and back charges for water used.

9-1-14 Separate Connections Required Two (2) or more premises cannot be supplied for one (1) and the same connection unless provided with separate shut off cocks located at the public street right of way line.

9-1-15 Service Pipe Regulations No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without the permission of the Water Superintendent. Water service to a portion of developed property shall not be permitted. Service must include all improvements on the property with no cross connections with any other water supply. Service pipes must be laid at least six (6') feet below the surface of the ground. The Town shall not be responsible for the service pipes and fixtures. All owners at their own expense, must keep service pipes for the Town main and all their apparatus in good working order and properly protected from frost and other disturbances. No claim shall be made against the Town on account of the breaking of service pipes or apparatus or for failure in the supply of water. No reduction in the rates will be made for any time that service pipes or fixtures may be frozen.

9-1-16 Hose and Nozzle Size Consumers shall not use hose larger than three-fourths ($3/4''$) of an inch in diameter, and sprinkling without a nozzle or from a nozzle larger than three-sixteenths ($3/16''$) of an inch opening is strictly forbidden. In addition to the penalty provided herein for Code violations, any violation of this section may cause a revocation of sprinkling rights for the remainder of the season.

9-1-17 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, bath tubs and other openings must not be left running for any purpose other than the use for which they are intended. In addition to the penalty provided herein for Code violations the water supply

may be turned off where any such waste occurs, and in such case a penalty of five (\$5.00) dollars must be paid before the water is turned on again.

9-1-18 Supplying Water to Others No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families. The Water Department agrees to furnish water for a certain specified sum. If, therefore, consumers furnish other people or supply water for animals or for sprinkling, washing vehicles or for building purposes, or permit it to be taken without the knowledge or consent of the Water Department, it is a violation of contract, and consumers so offending will be required to pay double the price of water so used, and the Town reserves the right to shut off the supply for abuses of water privileges. When the water has been turned off for violation hereof, the water will not be turned on again until all water rent & penalties have been paid, including the further sum of fifty (50¢) cents for turning the water off.

9-1-19 No Use During Fire Alarm During all alarms of fire the use of hose and all outlets where a constant flow of water is maintained is positively forbidden.

9-1-20 Sprinkling Restrictions In case of water shortage or scarcity, the Board may by resolution place any restrictions which it deems necessary upon the use of water for irrigation or sprinkling purposes.

9-1-21 Use Outside Corporate Limits Use of water outside the corporate limits shall be subject to the paramount rights of users within the corporate limits, and in case there shall be insufficient water to provide for users both within and without the corporate limits, the Board may reduce, curtail or shut off the users outside the corporate limits, during such period of water shortage or scarcity.

9-1-22 Repair and Extension of Mains The Town reserves the right, upon reasonable notice, to shut off its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the Town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing and relaying mains, hydrants or other connections.

9-1-23 Metered Service Any service may be metered when in the judgement of the Board of Trustees the same is necessary or beneficial.

9-1-24 Water Bills; Payments; Penalty All charges for water as provided for in this section must be paid annually in advance at the office of Town Clerk on the first day of July of every year. If such charges shall not be paid on the 20th day of said month, they shall become delinquent, and if said charges are not paid on or before the last day of said month, the water may be turned off. Should the occupant of the premises turn on the water or cause it to be turned on after it has been shut off at the curb cock, it will be turned off at the main and a charge of ten (\$10.00) dollars plus the cost of labor and material as determined by the Town, for turning the water off or on shall be added to the water bill and collected as a part thereof.

9-1-25 Delinquent Water Rent; Service Turned Off If for any cause any water rent shall become delinquent, the water service shall be turned off and in no case shall it be turned on to the same property until such delinquencies shall have been paid in full. Change of ownership or occupancy shall not affect the application of this section. This section shall include water users within or without the corporate limits.

9-1-26 Water Account in Name of Owner All accounts for water shall be kept in the name of the owner of the property and not in the name of any tenant, and the owner only, or his legally authorized agent, shall be held responsible for water rents; provided that persons holding under a lease may be supplied on their account where it is impracticable to keep the account in the name of the owner, and in such case the Town may require a deposit of at least one (1) estimated annual water rental, which deposit may be forfeited to the Town at any time when the water rental becomes delinquent and a new deposit required before further service is rendered.

9-1-27 Unpaid Water Rents a Lien All water rents shall be charged against the owner of the property served and shall be a lien upon the respective

lots or parcels of land where said water is used from the time when due and shall be a perpetual charge against said lots or parcels of land until paid, and in the event said rents shall not be paid when due for water service to property within the corporate limits, the Town Clerk shall certify such delinquent rents to the Treasurer of Gunnison County and said rents shall be collected in the same manner as though they were part of the taxes.

9-1-28 Unlawful Acts It shall be unlawful for any person to use or take water from the Town water works without a permit therefor, or to make any fraudulent representation for the purpose of obtaining water, or for any person to take or use water from the water works for a different purpose or purposes than provided in the customer's permit, or for any person to wilfully or unreasonably waste water, or for any person to violate any of the regulations set forth in this chapter. Each and every such unlawful act shall constitute a violation of this Code and shall be punishable as herein provided.

9-1-29 Regulations Part of Contract All regulations contained in this section shall be considered a part of the contract of every person taking water from the water works of the Town, and every person taking water shall be considered as having expressly consented to be bound thereby.

9-1-30 Schedule of Water Rates All rates and charges for water use shall be on an annual basis, for the period from July 1st of each year to June 30th of the following year, and there shall be no reduction in rates or charges or any rebates thereof for the use for less than the annual period; except the rates charged consumers making new connections to the Town's water system, which rates shall be prorated on the basis of the number of months remaining in the rate year in which the new connection is made.

(a) The following annual water rates shall be payable annually in advance by water consumers for water used within the corporate limits of the Town of Marble:

(1) Base Rates

Residence, apartment, cottage or domestic unit -----	\$ 14.40 .
Commercial establishment or place of business not itemized below -----	18.00
Restaurants, per chair or counter stool, based on maximum seating -----	2.40
Hotels, total units, per unit -----	9.60
Laundry, commercial -----	216.00
Laundry, self service, per machine -----	9.60
Beauty Shop -----	24.00
Garage or filling station, public -----	24.00
School, public per student -----	.60
Swimming pools, per 1,000 gallons of capacity or fraction thereof -----	1.20

(2) Additional Rates

In addition to the above base rates, water consumers within the Town shall pay the following annual rates:

For each bath tub, or shower, private -----	\$ 4.80
For each water closet or toilet, private -----	4.80
For each sink, domestic -----	4.80
For each bath tub or shower public -----	9.60
For each water closet or toilet public -----	9.60
For each urinal -----	9.60
For each sink, commercial -----	4.80
For each automobile wash rack -----	30.00
For each automatic automobile car-washing bay -----	150.00
For each soda fountain or bar -----	24.00
For each hose bib or outside faucet -----	4.80
For each swimming pool, per day -----	.60

No water shall be used for a swimming pool, wading pool or other similar purpose except by special contract with the Town, which contract shall specify the charges for such water use.

(3) Annual Minimum Rates

An annual minimum rate of \$14.40 for Residential property and \$18.00 for Commercial property shall be charged for all property within the corporate

limits which is connected to the Town's water system. No annual minimum charge shall be made for property disconnected from the Town's water system. When property is disconnected from the Town's water system, the application and connection fees provided for in 9-1-6 through 9-1-8 of this section shall be made and paid to the Town Clerk before water service shall be restored to the property.

(b) Rates for outside Users The following annual water rates shall be payable annually in advance by water consumers for water used outside of the corporate limits of the Town of Marble.

(1) Base Rates

Residence, apartment, cottages or domestic unit -----	\$ 25.50
Commerical establishment or place of business not itemized below -----	31.50
Restaurants, per chair or counter stool, based on maximum seating -----	4.20
Hotels, total units, per unit -----	16.80
Laundry commercial -----	378.00
Laundry, self service, per machine -----	16.80
Beauty Shop -----	42.00
Garage or filling station, public -----	42.00
Schools, public, per student -----	1.05
Swimming pools, per 1,000 gallons of capacity or fraction thereof -----	2.10

(2) Additional Rates

In addition to the above base rates, water consumers outside of the town shall pay the following annual rates:

For each bath tub or shower, private -----	\$ 8.40
For each water closet or toilet, private -----	8.40
For each sink, domestic -----	8.40
For each bath tub or shower -----	16.80
For each water closet or toilet, public -----	16.80
For each hose bib or outside faucet -----	8.40
For each urinal -----	16.80
For each sink, commercial -----	8.40
For each automobile wash rack -----	52.50
For each automobile car-washing bay -----	262.50
For each soda fountain or bar -----	42.00
For each swimming pool, per day -----	1.05

No water shall be used for a swimming pool, wading pool or other similar purpose except by special contract with the Town, which contract shall specify the charges for such water use.

(3) Annual Minimum Rates

An annual minimum rate of \$25.50 for Residential property and \$31.50 for commercial property shall be charged for all property without the corporate limits which is connected to the Town's water system. No annual minimum charge shall be made for property disconnected from the Town's water system. When property is disconnected from the Town's water system, the application and connection fees provided for in 9-1-6 through 9-1-8 of this section shall be made and paid to the Town Clerk before water service shall be restored to the property.

SECTION 2 SEWER SERVICE

9-2- 1	Definitions	9-2-13	Deposit of Unsanitary Wastes on Property Prohibited
9-2- 2	Connection with Sanitary Sewer Required; Exception; Use of Private Sewage Disposal System	9-2-14	Deposit of Untreated Industrial Waste into Natural Outlets Prohibited
9-2- 3	Permit Required	9-2-15	Damaging, Tampering with Sewers Prohibited
9-2- 4	Application	9-2-16	Rates and Charges for Use of Sewers
9-2- 5	Issuance of Permit	9-2-17	Billings; Payment
9-2- 6	Tapping Fee	9-2-18	Collection of Unpaid and Overdue Charges
9-2- 7	Construction of Sewers	9-2-19	Disposition and Use of Funds
9-2- 8	Discharge of Non acceptable Wastes into sewer Prohibited	9-2-20	Discontinuance of Sewer Service
9-2- 9	Use of Grease, Oil, Sand, etc Interceptors	9-2-21	Adoption of Rules and Regulations Governing Sewers
9-2-10	Control Manhole Required		
9-2-11	Abandonment of Connection		
9-2-12	Interference with Town Employees Prohibited; Digging Up Streets for Purposes of Sewer Connections		

9-2-1 Definitions For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed them by this section:

(a) Nonacceptable wastes The following wastes:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (2) Any water or waste having a five (5) day biological oxygen demand which may contain more than one thousand (1,000) parts per million by weight as averaged during any twelve (12) hour period.
- (3) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the sewers or other interference with the proper operation of the sewage works.
- (6) Any water or waste having a pH lower than five and one half ($5\frac{1}{2}$) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- (7) Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the sewage treatment plant.
- (8) Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(b) Sanitary Sewage The waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigeration drips, drinking fountains and any other water-borne waste not constituting an industrial waste.

9-2-2 Connection with Sanitary Sewer Required; Exception; Use of Private Sewage Disposal System Except where otherwise provided, no person shall maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage.

Where a public sanitary sewer is not available within the Town or in any area under the jurisdiction of the Town the building sewer shall be connected to a private sewage disposal system complying with the provisions and recommendation of the department of public health of the State. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

At such time as a public sanitary sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer in accordance with the provisions of this chapter

and any septic tank, cesspool or similar sewage disposal facilities shall be abandoned and filled with suitable material. C.R.S 139-32-1 (20), (22), (75); 139-53-1 et. seq.; 139-54-1 et. seq.; 139-78-3 (7) (1963).

9-2-3 Permit Required It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or to lay drain or sewer pipe on any premises on in any street or alley in the Town without first obtaining a written permit therefor from the Town Clerk.

9-2-4 Application The application for said permit shall be in writing and shall contain the following information:

- (a) Name and address of applicant;
- (b) Name and address of owner of the premises where said connection is to be made; drain or line is to be laid;
- (c) Location of the proposed connection, drain or sewer pipes;
- (d) Statement as to the type of connection and type of materials to be discharged into the sewer;
- (e) Statement as to whether said connection is to be made to the storm sewer or the sanitary sewer.

9-2-5 Issuance of Permit If the proposed connection does not violate any provision herein and does not violate any other laws of the Town, the Town Clerk shall issue a permit for such connection. Such permit shall contain all information contained in said application and shall specify the type and kind of grease and sand traps to be used.

9-2-6 Tapping Fee At the time of filing the application the applicant shall pay a tapping fee of two hundred (\$200.00) dollars, per bathroom for the connection to the sewer of any property within the corporate limits, and seven hundred fifty (\$750.00) dollars for the connection to the sewer of any property located outside of the corporate limits.

9-2-7 Construction of Sewers Any user of the sewer system, either inside or outside of the corporate limits, must build his own sewer line if there is no line available for him to connect with. All connections to the Town's sewer system must be made by a licensed plumber, subject to the supervision and inspection of the Town Administrator, and in compliance with the State Plumbing Code.

9-2-8 Discharge of Nonacceptable Wastes into Sewer Prohibited The discharge of nonacceptable wastes into the Town sewer system whether directly or indirectly, is prohibited, and where investigation reveals, the presence in the system of non acceptable wastes emanating from any lot, land, building, or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be at his own expense required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the Town Administrator in order to convert the same into acceptable wastes.

9-2-9 Use of Grease, Oil, Sand, etc., Interceptors Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town Administrator they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients; except, that such interceptors shall be of a type and capacity approved by the Town Administrator, and shall be located as to be readily and easily accessible for cleaning and inspection.

9-2-10 Control Manhole Required When required by the Town Administrator, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the Town Administrator. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

9-2-11 Abandonment of Connection No person shall abandon any building connection without first obtaining a written permit therefor. Such building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the sewer extending to the property line which stopper shall be jointed as directed by the Town Administrator.

9-2-12 Interference with Town Employees Prohibited; Digging Up Streets For Purposes of Sewer Connections No person shall in any way interfere with the employees of the Town in any discharge of their duties either in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in the Town for the purpose of connecting with the sewer system of the Town, without first obtaining a permit, and no person having a permit shall dig up any portion of any street or alley of the Town for the purpose of connecting with the sewer system of the Town and fail or neglect to place the street or alley in its original condition..

9-2-13 Deposit of Unsanitary Wastes on Property Prohibited No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the Town or within any area within the jurisdiction of the Town any human or animal excrement wastes.

9-2-14 Deposit of Untreated Industrial Waste into Natural Outlets Prohibited No person shall discharge into any natural outlet within the Town, or any area within the jurisdiction of the Town, any sanitary sewer industrial waste or other polluted waste, except where suitable treatment has been provided.

9-2-15 Damaging, Tampering with Sewers Prohibited No person shall maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sanitary sewer system.

9-2-16 Rates and Charges for Use of Sewer There is hereby levied and charged on each lot, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town or otherwise discharging sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the Town sanitary sewer system a sewer service charge or rental which shall be payable as and in an amount determinable as follows:

	<u>Rate per month</u>	
	<u>Inside Town</u>	<u>Outside Town</u>
Single family dwelling on a single sewer connection -----	\$ 2.25	\$ 3.50
Duplexes, double houses, or other buildings containing two family dwellings units on a single sewer connection each family dwelling unit -----	2.25	3.50
Apartments, apartment courts or other buildings containing three or more family dwelling units on a single sewer connection; each family dwelling unit -----	2.00	4.00
Hotels, motels, auto courts or trailer courts, on a single sewer connection; each room, rental unit or trailer space -----	1.50	3.00
Churches and lodges on a single sewer conn. --	2.50	5.00
Drugstores, with a soda fountain on a single sewer connection -----	3.00	6.00
Drugstores without soda fountain on a single sewer connection -----	3.00	6.00
Schools on a single sewer connection -----	5.00	10.00
Barber shops, beauty parlors (including beauty parlors operated in family dwellings); for the first chair -----	2.50	5.00
for each additional chair -----	1.50	2.00
Clinics, medical officers, and dental officers on a single sewer connection, for each practicing doctor or dentist -----	2.50	5.00
Hospitals, sanitariums and nursing homes on a single sewer connection; for each bed -----	.50	1.00
Restaurants, bars, lounges and beer parlors on a single sewer connection:		
With a seating capacity of less than twenty -----	5.00	10.00
With a seating capacity of more than twenty and less than forty -----	10.00	20.00
With a seating capacity of more than forty -----	15.00	30.00

Pool halls and recreation parlors on a single sewer connection -----	\$ 5.00	\$ 12.00
Garages and filling stations without wash racks, laundries and cream stations on a single sewer connection -----	5.00	12.00
Garages and filling stations with wash racks on a single sewer connection -----	10.00	20.00
All other business and commercial establishments on a single sewer connection -----	2.50	6.00
plus for each toilet or lavatory over one --	.50	1.00
Manufacturing or industrial plant which discharges industrial wastes into the sewer on a single sewer connection as by special agreement with a minimum charge of -----	25.00	50.00

Over and above the rates and charges established by this section there may be established, in special instances and by special agreement between the Town and the owner of any premises served by the Town sewer system, such additional charges for commercial or industrial wastes of unusual strength, or composition that are accepted by the Town for treatment as may be determined to be fair and equitable. Each such special agreement and charges established therefor shall not become effective until ratified by resolution passed by the Board of Trustees.

Nothing in this section shall be construed to prevent any special agreement or arrangement between the Town and other municipalities, quasi-municipalities, sanitation districts, additions and development areas outside the Town concerning sewerage facilities, which shall not become effective until ratified by resolution passed by the Board of Trustees; provided, that the rates established by such agreement or arrangement shall not be less than one and one half (1½) times the rate for the same class of users within the Town.

9-2-17 Billing; Payment The sewer charges levied pursuant to this section shall be payable monthly and shall be added to and made a part of the monthly water bill of the various properties in the Town. Properties outside the Town shall pay monthly and in advance, or as provided by agreement, and if the same are not paid within ten (10) days thereafter, a penalty of five (5%) per cent of such charge shall be added to such bill.

9-2-18 Collection of Unpaid and Overdue Charges Each sewer charge levied pursuant to this section shall be a lien therewith and if the same is not paid within sixty (60) days after it shall become due and payable, the Town Clerk shall certify such unpaid rates or charges to the county treasurer to be placed by him upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten (10%) per cent penalty thereon to defray the cost of collection, and the same shall be collected and paid over by the county treasurer to the Town in the same manner as taxes are authorized to be paid by Article 37, Chapter 139, of the Colorado Revised Statutes, 1963 and all laws of the State for the assessment of general taxes, including the laws for the sale of property taxes and redemption of the same, shall apply thereto.

Such rates and charges may also be certified to the county commissioners & shall become a lien upon the real property served by such sewer connections, and collected in the same manner as though they were part of the taxes.

9-2-19 Disposition and Use of Funds The funds received from the collection of charges and rentals authorized by this chapter shall be deposited, paid out and applied only in the manner and form provided for the issuance of sanitary sewer refunding and improvement revenue bonds for the Town, for the purpose of refunding and paying outstanding sanitary sewer revenue bonds of the Town, and for extending and improving the Town's sanitary sewer system and treatment plant, such funds to be known and established as the "Sanitary Sewer Refunding and Improvement Bond Fund", but nothing contained in this Chapter shall be construed in any way to prevent the Board of Trustees from applying and crediting to such fund, available money derived from any other sources.

9-2-20 Discontinuance of Sewer Service In addition to the remedies provided in this section, the Town, may without notice, discontinue sanitary sewer service to any premises as to which the sanitary sewer system charges

are delinquent for a period fo ten days. The Town may, without notice, discontinue the sanitary sewer service to any premises discharging non-acceptable wastes into the sanitary sewer system.

9-2-21 Adoption of Rules and Regulations Governing Sewers The Board of Trustees shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the Town sewer system. Such rules and regulations, when not repugnant to this Code or any other ordinances of the Town and laws of the state shall have the same force and effect as ordinances of the Town.

CHAPTER X GENERAL OFFENSES

SECTION 1 NUISANCE; DEFINITION AND ABATEMENT PROCEDURE

10-1-1 Nuisance Defined	10-1-6 Assistance to Abate Authorized
10-1-2 County Health Dept. Powers	10-1-7 Recovery of Expenses
10-1-3 Notice of Abate	10-1-8 Authority to Enter on Prop.
10-1-4 Declaration of Nuisance by Board	10-1-9 Penalties
10-1-5 Abatement Without Notice	

10-1-1 Nuisance Defined Anything which is injurious to the health or morals or indecent or offensive to the senses or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.

10-1-2 County Health Department Powers That the County Health Department has the full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property; to prevent the introduction of spreading within the Town of malignant, contagious and infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease, or have been exposed thereto; to promulgate such rules and regulations as may be necessary to perform its functions. The County Health Department shall have the authority to enforce such rules of the Health Department of the State as are applicable to particular situations.

10-1-3 Notice to Abate Any state of things prohibited by this section shall be deemed a nuisance and any person who shall hereafter make or cause such nuisance to exist shall be deemed the author thereof. Provided, that any person who shall have possession or control of any private ground or premises, whether he is owner thereof or not, in on upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight (48) hours continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight (48) hours may be given and served by the Chief of Police or other officers as he may designate.

10-1-4 Declaration of Nuisance by Board In the event that any such nuisance within or upon any private premises or grounds is not abated forthwith after the notice herein provided shall be given, the Board of Trustees may declare the same to be a nuisance and order the Chief of Police to abate the same, which said order shall be executed without delay; and the Chief of Police shall have the authority to call for the necessary assistance therefor.

10-1-5 Abatement Without Notice In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway, or public grounds in the Town, the Chief of Police or Town Administrator may abate the same forthwith without such notice given.

10-1-6 Assistance to Abate Authorized Any officer who shall be duly authorized to abate any nuisance specified in this ordinance, shall have authority to engage the necessary assistance, and incur the necessary expenses thereof.

10-1-7 Recovery of Expenses The expense incurred by the Town in abating any nuisance may be recovered back by proper action from the creator thereof.

10-1-8 Authority to Enter on Property The Mayor, Chief of Police, Trustees or any other persons who may be directed or deputized by the Board of Trustees may enter upon or into any lot, house, or other building or premises, with proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.

10-1-9 Penalties Whenever in any section of this chapter or rule or regulation promulgated hereunder, the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm, or corporation who shall be convicted of any such section shall, for each offense, be fined in a sum of not more

than three hundred (\$300.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned.

SECTION 2. NUISANCE OFFENSES

10-2-1	Unwholesome Business Prohibited	10-2- 8	Stagnant Ponds
10-2-2	Junkyards and Dumping Grounds	10-2- 9	Open Wells, Cisterns, or Excavations
10-2-3	Discharge of Nauseous Liquids	10-2-10	Noise Making Devices to Attract Children
10-2-4	Stale Matter	10-2-11	Handbills, Posters, & Placards
10-2-5	Sewer Inlet	10-2-12	Additional Provisions
10-2-6	Slaughterhouse		
10-2-7	Dead Animals; Removal		

10-2-1 Unwholesome Business Prohibited Offensive or unwholesome businesses or establishments are prohibited. From and after the effective date of this Code, it shall be unlawful for any person of any kind to allow or suffer upon his premises or any premises which he is entitled to possess any offensive or unwholesome business or establishment within the Town, or within one (1) mile beyond the outer limits of the said Town as such outer limits are now, or may be hereafter, constituted.

10-2-2 Junkyards and Dumping Grounds All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and housetrailer, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are hereby declared to be a nuisance.

10-2-3 Discharge of Nauseous Liquids It shall be unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley, or public place in the Town.

10-2-4 Stale Matter It shall be unlawful to keep, collect, or use or cause to be kept, collected, or used in this city, any stale, putrid, or stinking fat or grease or other matter.

10-2-5 Sewer Inlet It shall be unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet, or privy vault, to become nauseous or offensive to others or injurious to public health.

10-2-6 Slaughterhouse No slaughterhouse or other place for slaughtering animals shall be kept within this Town.

10-2-7 Dead Animals; Removal When any animal shall die in this Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway, or public grounds in this Town, it shall be the duty of the Chief of Police to cause such body to be removed, forthwith beyond the limits of the Town.

10-2-8 Stagnant Ponds Any cellar, vault, drain, sewer, pond of water, or other place, upon or within any private premises or grounds, in this Town, that shall be nauseous or offensive to others, or injurious to public health, through an accumulation or deposition of nauseous, offensive or foul water, or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter or any other ordinance of the Town.

10-2-9 Open Wells, Cisterns, or Excavations It is hereby declared that excavations exceeding five (5') feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5') feet and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him.

10-2-10 Noise Making Devices to Attract Children The use of bells, whistles, sirens, music horns or any other noise making devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-ways, alleys or public way of the Town for the purpose of selling, distributing or giving away any product whatsoever, to such minors, is hereby declared to be a public nuisance and hazard and is expressly prohibited and shall be unlawful, excepting such activities carried on as part of duly authorized public parades or processions.

10-2-11 Handbills, Posters, and Placards Any handbill, poster, placard, or painted or printed matter which shall be stuck, posted, or pasted upon any public or private house, store, or other buildings, or upon any fence, power pole, telephone pole, or other structure without the permission of the owner agent, or occupant of the hose, shall be deemed a nuisance.

10-2-12 Additional Provisions The above enumerated provisions of this section are in no way deemed to be exclusive and anything declared a nuisance under section 10-1-1 shall be abated in accordance with the provisions contained therein and in addition, subject to the penalties provided for in Section 10-1-9 of this chapter.

SECTION 3 OFFENSES AGAINST PROPERTY

- 10-3- 1 Injuring or Destroying Public Property
- 10-3- 2 Injuring or Destroying Private Property
- 10-3- 3 Trespassing
- 10-3- 4 Injury or Removal of Street Signs
- 10-3- 5 Destroying Posters
- 10-3- 6 Streets, Streams, and Water Supply
- 10-3- 7 Littering of Public Property
- 10-3- 8 Truck Loads Causing Litter
- 10-3- 9 Lug Wheels Prohibited
- 10-3-10 Advertisements; Not to be Thrown in Streets, Alleys, etc.

10-3-1 Injuring or Destroying Public Property It shall be unlawful for any person to either willfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to the Town of Marble.

10-3-2 Injuring or Destroying Private Property It shall be unlawful for any person or either willfully, maliciously, or wantonly injure or destroy real property or improvements thereto, or moveable or personal property, belonging to any person, persons, corporation, partnership, or association.

10-3-3 Trespassing It shall be unlawful for any person to take down any fence or let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof.

10-3-4 Injury or Removal of Street Signs It shall be unlawful for any person without proper authorization to remove, deface, injure, or destroy any street sign, or sign erected or placed in or adjacent to any street indicating the name of such street.

10-3-5 Destroying Posters It shall be unlawful for any person to either willfully, maliciously, wantonly, negligently, or in any other manner tear down, deface, or cover up any posted advertisement or bill of any person, firm or corporation when the same is posted or put in harmony with the provisions of this ordinance and ordinances of the Town of Marble.

10-3-6 Streets, Streams, and Water Supply It shall be unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal vegetable substance, or both, any dead animal, excrement, garbage or other offensive matter whatever, upon any street, avenue, alley, sidewalk, or public grounds. No person shall in this Town throw or deposit or cause or permit to be thrown or deposited, anything specified in any foregoing part on this section, or any other substance that would tend to have a polluting effect, into the water, stream, ditch, pond, well, cistern, trough, or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. C.R.S. 139-32-1 (1963)

10-3-7 Littering of Public Property

(a) It shall be unlawful to throw or deposit in any street, alley, sidewalk or public grounds, in this Town, any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, grass, hair, junk cars, straw, hay, trash of any other thing, on public streets or alleys, except in public receptacles and authorized private receptacles.

(b) It shall be unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town, or upon private property.

10-3-8 Truck Loads Causing Litter

(a) No person shall drive or move any truck or other vehicle within the Town unless such vehicle is constructed or loaded as to prevent any load, contents or letter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind.

(b) Garbage Transport Vehicles Every cart or vehicle used to transport manure, garbage, swill, or offal, on any highway in this Town, shall be fitted with a substantial tight box thereon, so that no portion of such filth will be scattered or thrown onto such highway.

10-3-9 Lug Wheels Prohibited It shall be unlawful for any vehicles injurious to pavement to be permitted upon public thoroughfares unless the operator of such vehicles shall first plank and protect such streets from damage.

10-3-10 Advertisements; Not to be Thrown in Streets, Alleys, etc. It shall be unlawful for any person to throw any posters, dodgers, circulars, bills, letters, envelopes, samples, or devices upon any of the streets, alleys, parks or public grounds of the Town.

SECTION 4 OFFENSES RELATING TO PUBLIC MORALS

- 10-4-1 Prostitution and Lewd Act Defined
- 10-4-2 Offenses Relating to Prostitution
- 10-4-3 House of III Fame
- 10-4-4 Solicitation of Drinks
- 10-4-5 Indecent Acts, Use of Filthy Language
- 10-4-6 Pornography
- 10-4-7 Window Peepin

10-4-1 Prostitution and Lewd Act Defined

(a) The term "prostitution" includes the offering or receiving of the body for sexual intercourse or other physical sexual activity for hire.

(b) The term "prostitution" also includes the indiscriminate or promiscuous offering or receiving of the body for sexual intercourse or other physical sexual activity without hire.

(c) A "prostitute" is one who engages in prostitution as defined in this section.

(d) A "house of prostitution" is a house or place kept or resorted to for the purpose of prostitution.

(e) The term "lewd act" shall include an appearance in the state of nudity or in any indecent or lewd dress.

(f) The term "lewd act" shall also include indecent exposure and exposure of the private parts.

(g) A "lewd act" is an indecent, wanton, and lascivious act committed in the presence of another or in a place open to the public view.

(h) "Moretricious display" includes any act, sign, gesture, or manifestation which allures, or is calculated to allure, entices, or is calculated to entice by a false show, gaudiness, tawdy ornamentation, or lascivious suggestion for purposes of prostitution.

10-4-2 Offenses Relating to Prostitution It shall be unlawful for any person to:

- (a) Commit or offer or agree to commit a lewd act or an act of prostitution
- (b) Secure or offer another for the purpose of committing a lewd act or an act of prostitution.

(c) Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution.

General Offenses
(Offenses Relating to Public Order)

(d) Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.

(e) Transport knowingly any person to any place for the purpose of committing a lewd act or an act of prostitution.

(f) Recieve, or offer, or agree to recieve knowingly any person into any place or building for the purpose of performing a lewd act or an act of prostitution or to permit knowingly any person to remain in any place or building for any such purpose.

(g) Direct or offer or agree to direct any person to any place or building for the purpose of committing and lewd act or act of prostitution.

(h) In any manner aid, abet, suffer, permit, or participate in the doing of any of the acts prohibited by section 10-4-2 (a) to (g) above.

10-4-3 House of III Fame It shall be unlawful to keep or maintain any house of ill fame or house of assignation where men and women resort for the purpose of prostitution in the corporate limits of the Town of Marble.

10-4-4 Solicitation of Drinks

(a) It shall be unlawful for any women to frequent or loiter in any tavern, cabaret, or night club with the purpose of soliciting men to purchase drinks.

(b) It shall be unlawful for the proprietor or operator of any such establishment to allow the presence in such establishment of any women who violate the provisions of this section.

10-4-5 Indecent Acts, Use of Filthy Language It shall be unlawful for any person to commit any indecent or filthy act in any place within the Town, or to utter any filthy word or any abusive or filthy language in the hearing of other persons publicly or to make any obscene gesture to or about any other person publicly.

10-4-6 Pornography It shall be unlawful for any person to possess, or exhibit to sell, or offer for sale, or to circulate or distribute any indecent or lewd book, picture, or other thing whatever of an immoral or scandalous nature, or to exhibit, perform or present any indecent, immoral or lewd play, motion picture, lecture, demonstration, or other representation.

10-4-7 Window Peeping It shall be unlawful for any person to trespass upon the property owned or occupied by another in the Town of Marble, for the purpose of looking or peeping into any window, door, skylight, or other opening in a house, room, or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room, or building.

SECTION 5 OFFENSES RELATING TO PUBLIC ORDER AND SAFETY

10-5- 1	Storage of Flammable Liquids	10-5-12	Assembling to Commit Unlawful Act
10-5- 2	Broken Glass, Nails, Dangerous Substances in Streets & Sidewalks	10-5-13	Disturbing Religious Worship
10-5- 3	Abandoned Containers, Wells or Cisterns	10-5-14	Loitering
10-5- 4	Fireworks	10-5-15	Carrying Concealed Weapons; Forfeiture of Concealed Weapons
10-5- 5	Explosives	10-5-16	Disposition of Confiscated Weapons
10-5- 6	False Alarms	10-5-17	Possesing, Carrying or Using Dangerous or Deadly Weapons
10-5- 7	Assault	10-5-18	Selling Weapons to Intoxicated Persons
10-5- 8	Disturbing the Peace, Using Offensive Language	10-5-19	Throwing of Stones, Missles, etc
10-5- 9	Drunk & Disorderly	10-5-20	Circulars, Pamphlets, etc., Inciting Hatred & Violence
10-5-10	Drinking in Streets		
10-5-11	Vagrancy		

10-5-1 Storage of Flammable Liquids It shall be unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids, or gases upon any streets or ways or avenue of the Town, or in any other part of Town of Marble, except those areas zoned for such uses.

10-5-2 Broken Glass, Nails, Dangerous Substances in Streets and Sidewalks It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited on any street, alley, sidewalk or other public way, any broken glass, broken, crockery, nails, or other dangerous substance.

10-5-3 Abandoned Containers, Wells or Cisterns It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has a door, lid, snap lock or other locking device which may not be released from the inside without first removing said door, or lid, snap lock or other locking device.

10-5-4 Fireworks

(a) Definition "Fireworks" means and includes any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons, toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, fire crackers, torpedoes, skyrockets, roman candles, and dago bombs.

The term "fireworks" shall not include fountains, pinwheels, toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided above.

(b) License Required No person shall sell at retail any type of fireworks including fountains, pinwheels, sparklers, or torches until he has obtained a license from the Board of Trustees. C.R.S. 53-5-6 (1963) as amended.

(c) Requirements A license to sell fireworks in this Town shall issue only for such sales as are permitted under this ordinance and the state statutes, and only when the Board of Trustees has determined that the vendor meets the following requirements:

(1) That the applicant or if a corporation, its officers and directors, are of a good moral character and reputation..

(2) That the applicant has no plan, intent, or scheme to make sales which are prohibited by this ordinance or the state statutes.

(d) Duration and Fees Such license shall be valid for a period of twelve (12) months from the date of issuance and a fee of five (\$5.00) dollars for a retail license shall be payable for the issuance or renewal of such license.

(e) Unlawful to Sell or Use Except as otherwise provided in this ordinance, it shall be unlawful for any person to offer for sale, expose for sale, sell or have in his possession with intent to offer for sale, sell or to use any fireworks within the Town.

(f) Permits The Board of Trustees shall have the power to grant permits within the Town for supervised public displays of fireworks by the municipality, amusement parks, and other organizations and groups, and to adopt reasonable rules and regulations for the granting of such permits. Application for a permit shall be made in writing at least fifteen (15) days in advance of the date of display. Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved after investigation by the Chief of the Fire Department of the Town of Marble on his authorized agent. No permit shall be transferable or assignable.

(g) Bond A satisfactory bond shall be required of each permittee in the sum of not less than five hundred (\$500.00) dollars conditioned for the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from the acts of the permittee, his agents, employees or subcontractors. The aggregate liability of the surety on such bond for all damages in no event shall exceed the sum of such bond.

(h) Disposal of Unfired Fireworks Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the Fire Department in a method which is safe for the discharge of that or those particular types of fireworks.

(i) Seizure of Fireworks The Police Department of the Town of Marble shall seize, take and remove at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this article.

(j) Construction This section shall not be construed to prohibit:

General Offenses
(Offenses Relating to Public
Order & Safety)

(1) Any person from offering for sale, exposing for sale, selling, or having in his possession with intent to offer for sale, or sell, fireworks to any municipality, fair association, amusement park, or other organization or group holding a permit issued as provided in this article, or to the governing body of any county or district fair, organized under the laws of the state.

(2) Any person from using or exploding fireworks in accordance with the provisions in this article or as a part of a supervised public display at any county or district fair organized under the laws of the state.

(3) Any person from offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale, or sell, any fireworks which are to be sold and are shipped directly out of the state.

(4) Any person from offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, or using or exploding any article, device or substance for a purpose other than display, exhibition, noise, amusement of entertainment.

(5) Any person, from offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, or using or exploding, blank cartridges for a show or theater, or for signal or ceremonial purposes in organized athletics or sports.

(6) Any person, from offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, or using or firing toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided in this article.

10-5-5 Explosives It shall be unlawful for any person to store within the Town limits or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite, or other high explosive in excess on one (1) fifty (50) pound box in or excess of five hundred (500) caps or other devices used for the detonation of such high explosives.

10-5-6 False Alarms Any person who shall, in this Town intentionally make or give a false alarm of fire shall be deemed guilty of a misdemeanor.

10-5-7 Assault

(a) An "assault" is an unlawful attempt coupled with a present ability to commit a bodily injury on the person on another.

(b) It shall be unlawful to assault, beat, strike, wound, imprison, or inflict violence on another.

10-5-8 Disturbing the Peace, Using Offensive Language It shall be unlawful for any person to disturb or to tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous, conduct, or by loud or unusual noises, or by unseemly, profane, obscence, or offensive language, calculated to provoke a breach of the peace; or by assaulting, striking, or fighting another, or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or under his management or control, when within his power to prevent, so that others in the vicinity are or may be disturbed thereby.

10-5-9 Drunk and Disorderly It shall be unlawful for any person to be drunk or disorderly in any highways, streets, thoroughfares or other public places, or in any private house or place, within the Town of Marble, to such an extent as to be obnoxious to public morals or to jeopardize or to be injurious to person or property.

10-5-10 Drinking in Streets It shall be unlawful for any person to drink any malt, vinous or spiritous liquors upon any street, alley, sidewalk or other public place in the Town of Marble.

10-5-11 Vagrancy It shall be unlawful for any person to be deemed a vagrant in the Town of Marble. The following persons shall be deemed vagrants in the Town of Marble.

(a) Any person found loitering or strolling in, about, or upon any street, lane, avenue, alley, or any public place, or any other public way, or at any public gathering or assembly, or in or around any store, shop, or business

or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior.

(b) Any person upon whose or in whose possession shall be found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred is designed to be employed in the commission of any felony, misdemeanor or in the violation of any ordinance.

(c) Any person wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness.

(d) Any person wandering abroad and begging; or any person who goes about door to door of private homes or commercial and business establishments, or places himself in or upon, any public way or public place to beg or receive alms for himself.

(e) Any person who asks or receives any compensation, gratuity or reward for practicing fortune-telling, palmistry, or clairvoyance.

(f) Any person who knowingly keeps a place where lost or stolen property is concealed.

(g) Any person who shall be the keeper, proprietor, exhibitor or user of any gambling table or device, or who shall assist or attend at any gambling table or device, or, any person who, for the purposes of gambling or gaming, travels about from place to place or frequents places where alcoholic beverages are sold, railroad cars, trains, or depots, or buildings or structures, whether occupied or vacant.

(h) Any person who shall be found trespassing in the night time upon the private premises of others.

10-5-12 Assembling to Commit Unlawful Act It shall be unlawful for any three (3) or more persons to assemble together in this Town with an intent to do any unlawful act; or, being assembled, mutually to agree or act in concert, to do an unlawful act with force or violence against the property of the Town or the person or property of another or against the peace and to the terror of others; or to make any move or preparation therefor; or, being present at such meeting or assembly, to fail to endeavor to prevent the commission of or perpetration of such unlawful act.

10-5-13 Disturbing Religious Worship It shall be unlawful for any person, firm or corporation to disquiet or disturb any congregation or assembly, for religious worship by making a noise or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

10-5-14 Loitering It shall be unlawful for any persons to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of such public way or place of public nature by any other person or persons; or, to be profane, lewd or wanton in speech or behavior in such public way or place.

10-5-15 Carrying Concealed Weapons; Forfeiture of Concealed Weapons

(a) It shall be unlawful for any person to wear under his clothes, or concealed about his person, or to display in a threatening manner, any dangerous or deadly weapon including, but not by way of limitations, any pistol, revolver, sling shot, grass-knuckles, or knuckles of lead, brass, or other metal, or any bowie knife, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon.

(b) It shall be unlawful for any person, firm, company or association to sell, offer to sell, display, use, possess, or carry any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of 10-5-15 (a) above, and shall be subject to forfeiture to the Town of Marble as provided in section (c) below.

(c) Every person convicted of any violation of this section shall forfeit to the Town of Marble such dangerous or deadly weapon so concealed or displayed.

(d) Nothing in this section shall be construed to forbid United States Marshals, sheriffs, constables, and their deputies, and any regular, special,

or ex-officio police officer, or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

10-5-16 Disposition of Confiscated Concealed Weapons It shall be the duty of every police officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the same to the Municipal Judge, to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt, it shall then be the duty of said municipal judge to deliver said weapon forthwith to the Chief of Police who shall make disposition of the weapon.

10-5-17 Possessing, Carrying, or Using Dangerous or Deadly Weapons It shall be unlawful for any person to have in his possession except within his own domicile, or to carry or use, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges, or any airgun, gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot", or "beany" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name, provided that nothing in this section contained shall prevent the use of any such instruments in shooting galleries or in any private grounds or residence under circumstances when such instrument can be fired, discharged, or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds, or residence; and further provided, that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased, to or from any range or gallery.

10-5-18 Selling Weapons to Intoxicated Persons

(a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Marble to such person, firm, or corporation.

10-5-19 Throwing of Stones, Missiles, etc. No person shall throw or shoot any stone or other missile at or upon any person, animal, public or private property, building, structure, tree or shrub.

10-5-20 Circulars, Pamphlets, etc., Inciting Hatred, Violence, etc. It shall be unlawful for any person to publish or distribute or cause to be published or distributed any circular, pamphlet, card, or dodger, whether anonymous or not, which incites, counsels, promotes, or advocates hatred, violence or hostility against any person or group of persons residing in the Town, by reason of race, color, religion or manner of worship.

SECTION 6 OFFENSES RELATING TO MINORS

- | | |
|--|---|
| 10-6-1 Wrongs to Children | 10-6-8 Selling Liquor; Near Schools |
| 10-6-2 Hiring Children Under Fourteen
During School Hours | 10-6-9 Encouraging Delinquency |
| 10-6-3 Beer Regulations; Minors;
Post Sign | 10-6-10 False Statements; Credentials |
| 10-6-4 Minors Prohibited in Travers;
Exception; Sign Posted | 10-6-11 Minors in Possession |
| 10-6-5 Curfew; Parents Responsibility | 10-6-12 Services to Others |
| 10-6-6 Curfew; Childs Responsibility | 10-6-13 Purchase for Minor |
| 10-6-7 Parent or Guardian Aiding, Abetting | 10-6-14 Loitering & Other Acts
in or About Schools |

10-6-1 Wrongs to Children It shall be unlawful for any person having the care, custody, control or confidence of or influence over any child to willfully cause or permit the life of such child to be endangered, or the health of such child to be injured, or the morals of such child to be impaired;

or to willfully cause or permit such child to be placed in such a situation, business, or occupation that its life, health, or morals shall be endangered; or to willfully abandon such child; or to torture, cruelly punish, or willfully or negligently deprive of necessary food, clothing, or shelter, or in any other manner injure such child unnecessarily.

10-6-2 Hiring Children Under Fourteen During School Hours It shall be unlawful for any person, firm, or corporation to take, receive, hire or employ any child under the age of fourteen (14) years to labor in any smelter, mill, mine, factory, or in or about any business or employment whatever within the Town of Marble during the school hours of any school day.

10-6-3 Beer Regulations; Minors; Post Sign

(a) It shall be unlawful for any person to sell, serve give away, dispose of, exchange, deliver, or permit the sale, serving, giving or procuring of any fermented malt beverage (3.2 beer) to or for any person under the age of eighteen (18) years.

(b) It shall be the duty of the person who is the proprietor or keeper of a place of business which sells, serves or disposes of fermented malt beverages (3.2 beer) to post conspicuously in his place of business the following sign: "MINORS UNDER THE AGE OF EIGHTEEN (18) YEARS NOT SERVED HERE". Failure to so post such sign shall constitute an unlawful act.

10-6-4 Minors Prohibited in Taverns; Exceptions; Signs to be Posted It shall be unlawful for any person who is the proprietor or keeper of a tavern to employ or permit any minor under the age of twenty-one (21) years to frequent or be in or about such place, unless accompanied by parent, or to drink any intoxicating liquors or beer or any fermented malt beverage in or about the same, or to engage or participate in any game of billiards, or any game, bet, or wager with any cards or any other gambling device, or any other game whatsoever in or about such place.

It shall be the duty of any person who is the proprietor or keeper of a tavern to post conspicuously in his place of business the following sign: "MINORS UNDER THE AGE OF TWENTY-ONE (21) YEARS NOT ALLOWED HERE UNLESS ACCOMPANIED BY PARENT." Failure to so post such sign shall constitute an unlawful act.

10-6-5 Curfew; Parents Responsibility It shall be unlawful for any parent, guardian, or other person having care or custody of any child under the age of eighteen (18) years to allow or permit any such child to be or remain upon any street, alley, or public place subsequent to the hours of 10:30 p.m., or prior to the hour of 5:00 a.m., except for lawful employment or unless there exists a reasonable necessity thereof; or unless such child is accompanied by the parent, guardian, or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such child; provided, that on Friday and Saturday nights the curfew hours for children between the ages of fifteen (15) and eighteen (18) shall be extended to the hour of 1:00 a.m. with permission of parents.

10-6-6 Curfew; Childs Responsibility It shall be unlawful for any child under the age of eighteen (18) years to be or remain upon any street, alley or other public place subsequent to the hours of 10:30 p.m., or prior to the hour of 5:00 a.m., except for lawful employment or unless there exists a reasonable necessity thereof; or unless such child is accompanied by the parent, guardian, or other persons of the age of twenty-one (21) years having permission of the parent or guardian to have custody and care of such child; provided, that on Friday and Saturday nights the curfew hours for children between the ages of fifteen (15) and eighteen (18) years shall be extended to the hour of 1:00 a.m., by permission of parents.

10-6-7 Parent or Guardian Aiding, Abetting It shall be unlawful for any person to knowingly permit any minor child or children to aid, abet, or encourage in or to approve, encourage, allow, permit, tolerate, or consent to the violation by any minor child or children of any provision of this article or any ordinances of the Town of Marble.

10-6-8 Selling Liquor Near Schools It shall be unlawful to sell, offer, or expose for sale or gift, beer, or any vinous, spiritous, or malt liquors within a distance of five hundred (500') feet from any private, public, or parochial school said distance to be computed by direct measurement from

the nearest property lines. Provided, however that his prohibition shall not affect the rights of any person, firm, or corporation now holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal upon the expiration thereof of any license in effect at this time authorizing such business within the restricted area hereby established.

10-6-9 Encouraging Delinquency It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities, and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

10-6-10 False Statement; False Credentials It shall be unlawful for any person under twenty-one (21) years of age to make false statements or to furnish, present, or exhibit any fictitious or false registration card, identification card, or note or other document for any unlawful purpose, or to furnish, present, or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited places or for the purpose of procuring the sale gift, or delivery of prohibited articles, including beer, liquor, wine, or fermented malt beverages (3.2 beer).

10-6-11 Minors in Possession It shall be unlawful for any minor under eighteen (18) years of age to have in his possession fermented malt beverages (3.2 beer) places, including but not limited to public streets, alleys, roads, or highways or inside vehicles while upon public streets, alleys, roads or highways.

10-6-12 Services of Others It shall be unlawful for any person under the age of twenty-one (21) years of age to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the minor himself is forbidden by law to purchase.

10-6-13 Purchase for Minor It shall be unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any article which the person is forbidden by law to purchase.

10-6-14 Loitering and Other Acts in or About Schools It shall be unlawful for any person to loiter, idle, wander, stroll, or play in, about or on any public, private, or parochial school, college, or seminary grounds, or buildings, either on foot or in on any vehicle, without having some lawful business therein or thereabout, or in connection with such school or the employees thereof; or for any person to:

(a) Annoy, disturb, or otherwise prevent the orderly conduct of classes and activities of any such school.

(b) Annoy, disturb, assault, or molest any student or employee of any such school, college, or seminary while in any such school building or on any school grounds.

(c) Conduct himself in a lewd, wanton, lascivious manner in speech or behavior in or about any school building or school grounds.

(d) Park or move a vehicle in the immediate vicinity of, or on the grounds of any such school, college, or seminary for the purpose of annoying or molesting the students or employees thereof; or in an effort to induce, entice, or invite students into such vehicles for immoral purposes.

SECTION 7 OFFENSES RELATING TO ANIMALS

10-7-1 Cruelty to Animals

10-7-2 Starvation of Animals

10-7-3 Abandonment of Animals

10-7-4 Keeping Place for Fighting Animals

10-7-5 Supply of Food to Enclosed Animals

10-7-6 Poisoning Domesticated Animals

10-7-7 Frightening, Shooting, Killing, Trapping, Molesting, etc., Song and Insectivorous Birds.

10-7-1 Cruelty to Animals It shall be unlawful for any person, firm, or corporation to overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, cruelly beat, mutilate, or kill needlessly or to carry or transport in any vehicle or otherwise in a cruel & inhuman manner, any animal or to cause any of these acts to be done. C.R.S. 139-32-1-(56) (1963)

10-7-2 Starvation of Animals It shall be unlawful for any person, firm, or corporation having charge or custody of any animal to fail to provide it with the proper food, drink, and protection from the weather, or to cause any of these acts to be done.

10-7-3 Abandonment of Animals It shall be unlawful for any person, firm, or corporation to abandon any animal, or to cause such to be done.

10-7-4 Keeping Place for Fighting Animals It shall be unlawful for any person, firm or corporation to keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager.

10-7-5 Supply of Food to Enclosed Animals In case any animal or animals shall be at any time enclosed or confined and shall continue to be without necessary food or water more than twelve (12) consecutive hours, it shall be lawful for any person from time to time and as often as it shall be necessary, to enter into or upon any such enclosure in which any such animal or animals shall be so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him of the owner of such animal.

10-7-6 Poisoning Domesticated Animals It shall be unlawful for any person to poison any dog or dogs or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domesticated animals

10-7-7 Frightening, Shooting, Killing, Trapping, Molesting, etc., Song and Insectivorous Birds It shall be unlawful for any person at any time within the corporate limits of the Town of Marble to frighten, shoot at, wound, kill, take, capture, ensnare, net trap, or in any other manner molest or injure any robin, lark, whip-poor-will, finch, sparrow, thrush, wren, martin, swallow, snow-bird, bobolink, red-winged blackbird, crow, raven, oriole, kingbird, mocking bird, song sparrow, or other song bird or insectivorous bird; or in any manner molest or injure the nest or young of any such bird, or have in possession the nest, eggs, young, or body of such bird.

SECTION 8 MISCELLANEOUS OFFENSES

10-8-1 Unnecessary Noises	10-8-9 Impersonating an Officer
10-8-2 Gambling and Gambling Devices	10-8-10 Impersonating Town Officers and Employees
10-8-3 Keeping a Gambling House	10-8-11 Obstructing Traffic
10-8-4 Confiscation of Gambling Devices	10-8-12 Interfering With Use of Streets or Sidewalks
10-8-5 Maintaining Lotteries Prohibited	10-8-13 Permits Required for Parades, Processions
10-8-6 Possession of Burglar's Tools	10-8-14 Aiding and Abetting
10-8-7 Resisting an Officer; Escaping Rescuing a Prisoner	
10-8-8 Duty of Citizens to Aid Police Officers	

10-8-1 Unnecessary Noises

(a) Noises Generally Prohibited The making of unnecessary noises upon, near or adjacent to the streets, highways and other public places in the city is hereby declared to be a public nuisance. The enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated. It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise between the hours of 7 a.m. and 7 p.m. which either annoys, injures or endangers the comfort, repose, health or safety of others, or to make, continue to cause or be made or continued between the hours of 7 p.m. and 7 a.m., whether in the operation of any machine, or the exercise of any trade or calling or otherwise any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for protection or preservation of property or health, safety, life or limb of some person.

(b) Loud Speakers--Limitations It shall be unlawful to play, operate or use any device known as a sound track, loud speaker, or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle upon public places unless such person in

charge of such vehicle shall have first applied to and received permission from the Mayor or Chief of Police to operate any such vehicle so equipped.

(c) Mufflers It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cut-out, bypass or similar muffler elimination appliance.

(d) Sirens, Whistles, Gongs, and Red Lights It shall be unlawful for any person to carry or use upon any vehicle other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle, or red light similar to that used on ambulances or vehicles of the police and fire department.

(e) Animals It shall be unlawful for any person to own, keep, have in his possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood, provided, the provisions of this sub-section shall not apply to hospitals, conducted for the treatment of small animals which are approved by the health department or to premises occupied or used by Town pound.

10-8-2 Gambling and Gambling Devices It shall be unlawful for any person to set up, have, or keep any keno table, faro bank, shuffleboard, bagetelle, playing cards, or other instruments, device, or thing whatever, whereon or with which any money, liquor or other article shall in any manner be played for; or to play for money or any valuable thing at any game with cards, dice, or with any article, device, or thing whatever, which may be used for the purpose of playing or betting upon, or winning or losing money or other property; or to bet on any game others may be playing.

10-8-3 Keeping a Gambling House It shall be unlawful for any person to keep a disorderly or gambling house or to permit or suffer any faro bank, keno, or other instrument or device whatsoever, used for playing any game or games of chance, to be set up or used in the Town of Marble, whereon or wherewith any game or games of chance may be played for money or other article of value in any room, building or tenement in his possession or under his control.

10-8-4 Confiscation of Gambling Devices It shall be the right of the Chief of Police, and all member of the Police Department of the Town of Marble to seize and take any cards, tables, checks, balls, wheels, or devices of any nature or kind, used or kept for the purpose of gambling or playing at any game of chance without warrant or complaint, and to convey the same before the Municipal Court, which Court shall order the same destroyed.

10-8-5 Maintaining Lotteries Prohibited It shall be unlawful for any person or persons to set up, maintain, or carry on in any place occupied by him or them, or under his or their control, any lottery or chance gift distribution.

10-8-6 Possession of Burglar's Tools It shall be unlawful for any person, firm, or corporation to possess any nippers known as burglar's nippers, any pick lock, skeleton key, key to be used with bit or bits, jimmy, or any other burglar's instruments or tools of whatever kind or description, unless it be shown that such possession is innocent or for lawful purposes.

10-8-7 Resisting an Officer; Escaping; Rescuing a Prisoner

(a) It shall be unlawful for any person to resist any police officer, any member of the Police Department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty.

(b) It shall be unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority to escape or to attempt to escape from such custody.

(c) It shall be unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority.

10-8-8 Duty of Citizens to Aid Police Officers It shall be the duty of all persons when called upon by any police officer or any other member of

the Police Department to promptly aid and assist such officer or member in the discharge of his duties.

10-8-9 Impersonating an Officer

(a) It shall be unlawful for any person other than an official police officer of the Town of Marble to wear the uniform, apparel, or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn by the official police officers.

(b) It shall be unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated, or colorably imitated, the uniform, apparel, or insignia of office used by the Police Department of the Town of Marble.

10-8-10 Impersonating Town Officials and Employees It shall be unlawful for any person to willfully, unlawfully, or fraudulently represent himself to be a town officer or an employee of the city and purporting to perform the duties of any such officer or employee when he is not an authorized officer or employee of the city.

10-8-11 Obstructing Traffic It shall be unlawful for any person to obstruct in any manner any sidewalk, public highway, street, or alley in the Town, or, for the purpose of annoyance or mischief, to place in any doorway or driveway, or on any sidewalk, public highway, street, or alley in the Town any box, barrel, cask, or other thing. C.R.S 139-32-1 (20) (1963)

10-8-12 Interfering with Use of Streets or Sidewalks It shall be unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregation on any public highway, street, alley, or sidewalk in the city shall obstruct, interfere with or prevent the free and unobstructed and reasonable use of that public highway, street, alley, or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley, or sidewalk or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the Town or other authorized peace officer.

10-8-13 Permits Required for Parades, Processions No funeral, procession, or parade, excepting the forces of the United States armed services, the military forces, of this State, and the forces of the police and fire departments shall occupy, march or proceed along any street or roadway except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

10-8-14 Aiding and Abetting Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be in violation of the ordinances of this municipality, whether individually, or in connection with one or more persons as a principal, agent, or accessory, shall be guilty of such offense, and every person who fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any ordinance of this municipality is likewise guilty of such offense.

CHAPTER XI ANIMALS AND FOWL

SECTION 1 GENERALLY

- 11-1-1 Confinement of Animals Running at Large; Costs
- 11-1-2 Sale of Animals; Notice of Sale; Payment of Excess Money to Owner
- 11-1-3 Grazing Upon Public Thoroughfares
- 11-1-4 Hitching Animals to Public and Private Property
- 11-1-5 Maltreatment
- 11-1-6 Hogs, Sheep, and Goats Prohibited
- 11-1-7 Fowl and Rabbits Restrained
- 11-1-8 Premises Kept Clean

11-1-1 Confinement of Animals Running at Large; Costs If any animal shall be found running at large contrary to the provisions of this section, it is hereby made the duty of the Chief of Police to take up and confine the same in a secure place or other place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animals in his keeping the sum of five (\$5.00) dollars per day for each and every day such animal shall be kept by the officer aforesaid unless otherwise provided in this code and the same shall be turned in to the Treasurer.

11-1-2 Sale of Animals; Notice of Sale; Payment of Excess Money to Owner

(a) If the owner or person entitled to the possession of an animal does not pay the charges and take it away within five (5) days from the time it is taken into custody, the Chief of Police may sell such animal at public auction after having given at least five (5) days notice of the time and place of such sale by publishing or by posting said notice in five (5) public places in the Town as well as serving a copy of said notice upon the owner or possessor of said animal, if known. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges herein provided.

(b) In case an animal sold pursuant to the provisions of this section be sold for more than is sufficient to pay the fees and charges aforesaid, such expenses shall, by the officer or his assistant making the sale, be deposited with the Clerk, who shall pay such excess, upon order of the Board of Trustees to the owner of such animal or animals or to the person entitled to the possession of the same upon claim and proper proof within one (1) year from the date of said sale.

(c) In the event such animal is infected or cannot be sold, it may be disposed of in the manner provided for unclaimed or infected dogs.

11-1-3 Grazing Upon Public Thoroughfares It shall be unlawful for any person to picket, lead, or hold any horse, cattle, or other livestock on or along any street, sidewalk, or alley, in this town, in such manner that any such animal may graze upon the grass, herbage, or trees growing upon or along any of said streets, sidewalks, or alleys; for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of said streets, sidewalks or alleys.

11-1-4 Hitching Animals to Public and Private Property It shall be unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree, bush, whether private or public, without the permission of the owner thereof. It shall be unlawful for any person to hitch any such animal to any lamp post or fire hydrant of this Town.

11-1-5 Maltreatment It shall be unlawful for any person to unnecessarily beat, injure, or maltreat any animal.

11-1-6 Hogs, Sheep and Goats Prohibited It shall be unlawful for any person to keep or harbor within the corporate limits of the Town any hogs, pigs, swine, sheep or goats.

11-1-7 Fowl and Rabbits Restrained It shall be unlawful for any person who owns, harbors, or keeps within the corporate limits any chickens, ducks, geese, turkeys, or other domestic fowl, or any hare or rabbits, to fail to keep the same securely enclosed in a pen, or building, or to permit the same to run at large or to go upon the premises of another.

11-1-8 Premises Kept Clean Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic fowl or animals

are kept, shall keep said building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once each week.

SECTION 2 DOGS

11-2-1	"Dog" Defined	11-2-16	Notice to Owner or Keeper of Dog
11-2-2	License Required	11-2-17	Procedure for Release of Impounded Dog; Authority of Municipal Judge to Order Destruction of Dog
11-2-3	Fees	11-2-18	Disposal of Dog Whose Owner or Keeper Cannot be Located
11-2-4	Rabies Vaccination Required	11-2-19	Redemption Fees
11-2-5	By Licensed Veterinarian	11-2-20	Interference with Dog Catcher or Policeman Performing Duties
11-2-6	Prerequisite to Issuance of License; Form of Application for License	11-2-21	Instigating or Encouraging Dog Fights Prohibited
11-2-7	Tags Issuance	11-2-22	Confinement or Muzzling of Dogs During Rabies Danger; Impounding of Dogs not Confined or Muzzled
11-2-8	Possession	11-2-23	Females Dogs in Heat
11-2-9	Description	11-2-24	Running at Large Prohibited
11-2-10	Attachment to Dog's Collar or Harness	11-2-25	Vicious Dogs
11-2-11	To be Worn Only by Licensed Dogs	11-2-26	Confinement of Biting Dogs
11-2-12	Records to be Kept of Issuance; Duplicates; Transfer	11-2-27	Notice of Knowledge of Violation of Section not Necessary for Prosecution of Owner or Keeper
11-2-13	Impoundment Generally		
11-2-14	Establishment & Operation of Pound		
11-2-15	Filing of Complaint in Municipal Court Against Owner or Keeper of Impounded Dog		

11-2-1 "Dog" Defined The word "dog" as used in this section shall be construed to mean any dog, bitch, or whelp over three (3) months of age.

11-2-2 License Required The owner, possessor or keeper of any dog within this Town shall secure a license for such dog from the Town Clerk on or before the first day of March of each year or within thirty (3) days after the dog reaches the age of three (3) months. Dogs purchased, obtained or otherwise acquired subsequent to the first day of March in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of this Town shall have thirty (30) days after becoming such residents to secure a license hereunder.

11-2-3 Fees The annual license fee for dogs within this Town shall be two (\$2.00) dollars for males and spayed females, and fifteen (\$15.00) dollars for unspayed females.

11-2-4 Rabies Vaccination Required The owner, possessor, or keeper of every dog within the Town shall have such dog inoculated against rabies between January 1 and March 1 of each year. Dogs purchased, obtained or otherwise acquired or brought into the Town subsequent to the first day of March in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the Town.

11-2-5 By Licensed Veterinarian The inoculation required by the preceding section shall be made by any veterinarian licensed to practice veterinarian medicine in this State.

11-2-6 Prerequisite to Issuance of License; Form of Application for License Upon application for a dog license, the applicant shall exhibit to the Town Clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies as required by this Section. All applications for licenses shall be made on forms provided by the Town Clerk.

11-2-7 Tags Issuance It shall be the duty of the Town Clerk to deliver or cause to be delivered to each person making application for a license, paying the license fee provided for in this article and presenting the certificate of inoculation required by this article a dog tag for each dog licensed and inoculated.

11-2-8 Possession Only those persons who own, possess or keep a dog duly licensed and inoculated in accordance with the provisions for this section shall be permitted to possess a dog tag as herein provided for.