

WELLINGTON
MUNICIPAL CODE

2008

A Codification of the General Ordinances
of the Town of Wellington, Colorado

Published by

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Book No. _____

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SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Wellington Municipal Code" is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Wellington Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 2-2-90 of the "Wellington Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 2-2-90 of the "Wellington Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

Repeal: Sections, articles and chapters may be repealed as follows:

Section 2-2-90 of the "Wellington Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

PREFACE

The Town of Wellington, a statutory town, has published its Municipal Code in a format which features the following:

The *Table of Contents* is the table containing each chapter and article title, with reference to page location. Preceding each chapter is a chapter table of contents, also identifying each article by the subject name provided.

The *three-place section numbering system* places the chapter number first, followed by the article number and section number, separated by hyphens. Each section may be cited by the chapter, article and section number which are in sequence within each chapter.

The *open chapter and page numbering system* creates reserved chapter and page numbers for expansion or revision of the code without undue complication when changes are made to the code by supplementation.

The *Disposition of Ordinances Table* identifies the source for the contents of the code. This table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether an ordinance, or a portion thereof, is contained within the code, the Disposition of Ordinances Table will provide that information.

The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

The *Index* provides references by common and legal terminology to the appropriate code sections. Cross references are provided with the Index when appropriate.

Supplements to the code provide regular updating of the code to maintain it as a current compilation of all the legislation which has general and continuing effect. Without regular supplementation, the code would soon lose its usefulness as a complete source of the general law of the municipality. Supplementation is accomplished by the periodic publication of additions and amendments to the code.

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**STATE OF COLORADO
TOWN OF WELLINGTON, COLORADO**

ORDINANCE NO. 11-2007

AN ORDINANCE OF THE TOWN OF WELLINGTON, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF WELLINGTON; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be It Ordained by the Board of Trustees of the Town of Wellington, Colorado:

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

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Wellington Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 3. The following codes were previously adopted by reference and incorporated in the Wellington Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado*, 2003 edition, as published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver Colorado 80222, as adopted and amended in Section 8-1-10 et seq.;

(2) The *International Building Code*, 2006 edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-1-10 et seq.;

(3) The *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-9-10 et seq.; and

(4) The *Uniform Fire Code*, 1997 edition, including Appendix chapters and the Uniform Fire Code Standards, 1997 edition, as published by the International Fire Code Institute and the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, as adopted and amended in Section 18-7-10, et seq.

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

(1) The *International Residential Code*, 2006 edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-2-10 et seq.;

(2) The *International Mechanical Code*, 2006 edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-4-10 et seq.;

(3) The *International Plumbing Code*, 2006 edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-3-10 et seq.;

(4) The *Fuel Gas Code*, 2006 edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-5-10 et seq.;

(5) The *International Existing Building Code*, 2006 edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington DC 20001, as adopted and amended in Section 18-10-10 et seq.; and

(6) The *Energy Efficiency Construction and Renovation Standards Code*, 1977 edition, together with all appendices and tables thereto, as published by the State of Colorado, Office of State Planning and Budgeting, 1525 Sherman Street, Suite 617, Denver, CO 80203, as adopted and amended in Section 18-8-10, et seq.

Section 5. The penalties provided by the Municipal Code of the Town of Wellington are hereby adopted as follows:

(1) **Sec. 1-4-20. General penalty for violation.**

(a) Except as may otherwise be provided herein, any person convicted of a noncriminal violation, as designated in Section 10-1-40(c) of this Code, may be fined by an amount not to exceed one thousand dollars (\$1,000.00) except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all costs and expenses in the case, including attorney fees.

(b) Except as may otherwise be provided herein, any person convicted of a criminal violation, as designated in Section 10-1-40(d) of this Code, may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed one thousand dollars (\$1,000.00), or both, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all costs and expenses in the case, including attorney fees.

(c) Any voluntary plea of guilty, no contest or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all of the fines and/or penalties applicable to the charge for which the plea was entered.

(d) Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense.

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

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code classified as noncriminal pursuant to

Section 10-1-40(c) herein, shall be punished by a fine of not more than five hundred dollars (\$500.00) per violation or count. Every such juvenile who is subsequently convicted of or pleads guilty, no contest or nolo contendere to a violation of any provision of this Code classified as criminal pursuant to Section 10-1-40(d) herein, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) Sec. 2-6-70. Remedies for violations.

(a) The Board of Trustees may censure any elected official who willfully violates any provision of this Article. Such censure shall be in accordance with applicable state law.

(b) The Board of Trustees may remove any person other than a Trustee from such person's appointed office or position of employment with a public body when such person willfully violates any provision of this Article. Such removal shall be in accordance with applicable state law.

(c) If a contract or sale is consummated contrary to the provisions of this Article, the Town may void the contract or sale.

(d) Any person affected by a Town transaction may commence a civil action in the District Court having jurisdiction for equitable relief to enforce the provisions of this Article upon showing a willful violation of any provision of this Article. Before filing such action, the person shall present the claim to the Board of Trustees and give the Board of Trustees an opportunity to act thereon.

(4) Sec. 4-4-250. Collection of use tax on construction and building materials.

The tax herein imposed on the privilege of storing, using or consuming in the Town any construction and building materials at retail, shall be collected, as follows:

(1) Said use tax shall be paid to the Town Administrator/Clerk and shall be collected at the time permits are issued for building and construction. The payment of said use tax shall be the responsibility of the person applying for and receiving the building permit. For the purpose of this Section, the value of the construction and building materials to be stored, used or consumed as a part of any project shall be deemed to be an amount equal to fifty percent (50%) of the total valuation or gross cost of the building or construction project as is stated in the building permit issued. If the tax is paid in this way, no further sales or use tax information will be required for final inspection of the project by the Building Department.

(2) As an alternative to the estimation procedure for payment of the use tax described in Paragraph (a) above, the applicant, at the time of securing the building or construction permit, may register with the Town Administrator/Clerk to file use tax returns and reports and to report and pay the tax monthly on the first day of the month

next succeeding storage, consumption or use within the Town; or if the project is to be completed within six (6) months of commencement, then six (6) months from commencement, but in no event more than eight (8) months subsequent to storage, use or consumption within the limits of the Town. Furthermore, if the applicant chooses to report and pay the tax in this way, a final return must be filed and approved and all use tax paid before building inspection is made or a certificate of occupancy issued.

(3) A building permit shall be applied for within thirty (30) days of storage, use or consumption within the limits of the Town, or, in lieu thereof, the owner or person whose custody the goods are, being severally liable therefor.

(4) Town use tax is due and payable at the time of the filing of the return; and if the tax is not paid when due, a penalty equal to ten percent (10%) of the amount due, plus interest at the rate of twelve percent (12%) per annum, will be added to the principal amount of the tax. All such use tax returns and reports shall be subscribed by the taxpayer or his or her agent, and shall contain a written declaration that is made under penalty of perjury.

(5) The Town Administrator/Clerk is hereby authorized and directed to devise, publish and make available use tax returns and reports in and upon such forms as may be necessary and appropriate for the complete reporting and collection of the Town use tax under the provisions of this Article. The Town Attorney is authorized hereby to institute such legal action, suits or proceedings for and on behalf of the Town in any court of competent jurisdiction against any person from whom a use tax is due and payable, to establish the amount due and for collection of delinquent tax and any applicable penalties and interest.

(6) The tax imposed by this Article, together with any penalties and interest thereon, shall be a first and prior lien upon all of the property, real and personal, of the person from whom the tax is due, subject only to any liens of the State or the United States which, under applicable law, would have priority. Said lien shall become effective upon filing a notice of the same with the County Clerk and Recorder of any county in which the delinquent taxpayer owns any property, shall constitute a lien upon the property in said county, and shall constitute notice to all persons of said lien. Furthermore, the unpaid tax shall be a personal liability of the person owing the tax and the Town may pursue its remedies by foreclosing its lien, by proceeding personally against the delinquent taxpayer, or both, in which latter event, the Town shall be entitled to any deficiency after sale of the property of the taxpayer, it being intended that remedies provided herein are cumulative.

(7) A copy of the notice of lien shall be mailed to the delinquent taxpayer by certified mail, return receipt requested, at the delinquent taxpayer's last known address, by delivering it personally to the taxpayer, or by delivering it to any member of the taxpayer's household at the taxpayer's usual place of residence. In the event the delinquent taxpayer is a corporation, entity or partnership, said notice may be mailed to any officer or registered agent of said corporation, entity or partnership by certified mail, return receipt requested at the officer's or registered agent's last known address. The

delinquent taxpayer shall thereafter have ten (10) days from delivery or placement in the mail within which to apply to the Board of Trustees for a hearing on the issue of the deficiency. Upon timely written receipt of such a request, the Town Administrator/Clerk shall place upon the agenda for the next succeeding regular meeting of the Board of Trustees a hearing upon said issue. It shall be the responsibility of the person requesting said hearing to obtain information from the Town Administrator/Clerk as to the time, date and place of said hearing. At said hearing, the delinquent taxpayer shall have the opportunity to present evidence disproving his or her liability for said tax or the amount thereof. The Board of Trustees may, upon receipt of such evidence, including evidence given by the Town Administrator/Clerk, decide in favor of the Town Administrator/Clerk or in favor of the delinquent taxpayer, or may modify the assessment of the Town Administrator/Clerk in accordance with its findings as to the amount due upon the tax.

(8) After the hearing provided in Paragraph (7) above, or subsequent to the expiration of the period of time in which the delinquent taxpayer may make demand therefor, the Town Administrator/Clerk may proceed to file an action in the court of appropriate jurisdiction to pursue the remedies herein provided.

(5) Sec. 4-5-80. Penalty clause.

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Article shall fail, neglect, refuse to make or file the annual statement of accounts provided in Section 4-5-30 above, said officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided that each day after said statement becomes delinquent during which said officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement shall be considered a separate and distinct offense.

(6) Sec. 5-1-845. Assessment of monetary damages.

To the extent the Town chooses to assess damages pursuant to Subsection 5-1-810(c), the Town may assess against the Grantee monetary damages for material cable system upgrade delays of five hundred dollars (\$500.00) per day. For all other Franchise violations, the Town may assess monetary damages of up to two hundred fifty dollars (\$250.00) per day. To assess any amount of damages from the letter of credit, the Town shall follow the procedures for withdrawals from the letter of credit set forth in the letter of credit and in this Franchise. Such damages shall accrue beginning the day following the Grantee's receipt of notice required by Subsection 5-1-810(a) or at such later date if approved by the Town in its sole discretion, but may not be assessed until after the procedures in Section 5-1-810 have been completed.

(7) Sec. 6-1-170. Renewals.

Any licensee may make application for a new license for the succeeding year and pay the required fee therefor, on or before the expiration date of any license issued to the licensee for the current year. Whenever any application and license fee payment therefor is not received on or before January 15 for the current year, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the

license fee shall be imposed and collected and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired.

(8) Sec. 6-4-90. Suspension; revocation; receivership.

(a) Upon the discovery of a violation of this Article in any mobile home park, the Town Administrator/Clerk shall give the operator thereof written notice of the violation.

(b) If, within ten (10) days of said notice, the violation has not been corrected, the Town Administrator/Clerk may temporarily suspend the operator's license.

(c) At the next regular meeting of the Board of Trustees, the suspension shall be terminated or shall be made a revocation of the operator's license.

(d) In the event the license is temporarily suspended by the Town Administrator/Clerk, the Town Attorney may immediately petition a court of competent jurisdiction for the appointment of a receiver who shall be empowered to do all things reasonable and necessary to operate a mobile home park, including but not limited to the collection of all revenues and the payment of expenses.

(1) In the event the temporary suspension is terminated, the receivership shall be terminated, and all properties in the control of the receiver shall be returned to the licensee, along with an accounting thereof.

(2) In the event the license is revoked, the receiver shall continue to operate the mobile home park until a new operator is licensed for the park or until the licensee's bond is forfeited and the mobile home park is closed. In either event, all properties in the control of the receiver shall be forfeited by the former licensee and the owner of the land upon which the mobile home park is located.

(9) Sec. 6-7-70. Penalties.

Any person violating any provision of this Article shall, upon conviction thereof, be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), together with costs of any suit. Each additional conviction for the same offense shall double the amount of fine paid for the prior conviction.

(10) Sec. 7-1-130. Assessment and Collection of Costs of Abatement.

(a) A person found by the Court to have caused a public nuisance or allowed the nuisance to be caused or to continue shall be liable for the costs specified in this Section. Such costs, including attorney's fees, may be collected by the Town in a civil action or assessed and filed as a lien against any property on which the abatement was performed as specified in this Section.

(b) If the cost of abatement has not been otherwise collected, the Town Administrator/Clerk shall prepare a statement stating the date of performance of the work, the nature of the work and demanding payment of the actual cost of abatement and collection plus five percent

(5%) of the abatement costs for inspection and other incidental or additional administrative costs. The costs enumerated in this statement shall be a first and prior lien upon the property until paid, and shall have priority over all other liens, except general property taxes and prior special assessments, relating back to the date upon which the abatement was performed. The Town Administrator/Clerk shall send by certified mail, return receipt requested, a copy of the statement to the owner of the premises at his or her last known address. Any such owner may file objections to such assessment within ten (10) days from the date said notice is sent; said objections shall be filed with the Town Administrator/Clerk. The Town Administrator/Clerk shall issue a notice to said owner, by certified mail, return receipt requested, of the date the Board of Trustees will hold a public hearing to review the assessment. Failure of the owner to file objections shall result in said assessment becoming a permanent lien on the property. In the event the Board of Trustees determines the assessment to be proper, the Town Administrator/Clerk, on or before thirty (30) days after said assessment hearing, shall certify to the County Treasurer said assessment which is to be levied on said lot, parcel and tract, who shall collect the assessment, together with a ten-percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of the State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

(11) Sec. 7-4-690. Abatement procedures.

(a) Hearing and impoundment. Any person owning or having in his or her possession or under his or her control any animal or premises constituting a nuisance in violation of this Article may be summoned before the Municipal Court to show cause why such animal should not be confined, disposed of or removed, or the nuisance otherwise abated. Upon hearing and a finding that the animal or premises constitutes a public nuisance in violation of this Article, the Municipal Court shall order the animal in question either to be confined, to be disposed of or to be removed, or such other relief as the court deems appropriate.

(b) Cost of impoundment. Any person who owns any animal that has been adjudged a nuisance or has been taken into custody pursuant to this Article shall be responsible for the costs of disposal, removal or impoundment.

(12) Sec. 7-4-820. Impoundment of animals.

Whenever there is any violation of any provision of this Article, the Animal Control Officer, any police officer or any authorized agent of the Licensing Authority may impound any animal when such officer reasonably considers such impoundment to be in the best interest of the animal or of the public. It is lawful for an administrative officer or other authorized person to go upon private property for the purpose of catching any animal for impoundment and to use any means reasonably available to effect such impoundment. Impoundment shall be in the animal shelter designated from time to time by the Town.

(1) Notice to owner of impoundment. As soon as practicable after the date of impoundment, the Animal Control Officer or the authorized agent of the Licensing Authority shall cause to be posted in a conspicuous place in the Town for seventy-two (72) consecutive hours a notice of impoundment. The notice herein provided shall describe the animal, state the date of impoundment and set forth the location from which the animal was taken.

(2) Redemption of animal; impoundment charges. Any owner of an animal desiring to redeem such animal from the animal shelter shall pay a redemption fee as established by the animal shelter, unless an amount is established by resolution by the Board of Trustees to offset the Town's costs. In addition, if such dog or cat is unlicensed, the owner must license the dog or cat pursuant to the provisions of this Article prior to the animal's release. If such dog or cat is licensed but the license has been lost, the license tag must be replaced prior to the release of the dog or cat.

(3) Sale or other disposal of impounded animals. Any animal not reclaimed by the owner shall be held by the animal shelter for a minimum of five (5) days after acquisition by the animal shelter before it may become available for adoption or otherwise disposed of at the discretion of the animal shelter; except that an animal shelter supervisor may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three (3) days if the animal shelter supervisor determines that the animal shelter has no additional resources for such animal or determines that such animal is dangerous. For purposes of this Subsection, *days* means the days during which the animal shelter is open to the public. Animals which, in the opinion of a veterinarian or the animal shelter supervisor if a veterinarian is not available, are experiencing extreme pain or suffering, may be disposed of immediately by the animal shelter through euthanasia after the animal shelter has exhausted reasonable efforts to contact the owner; however, for animals with identification, the animal shelter shall exhaust reasonable efforts to contact the owner for up to twenty-four (24) hours.

(4) Liability for accident or subsequent disease from impoundment. The Town, its officers and employees, the animal shelter and its employees, the designated agent, any police officer or any other person enforcing the provisions of this Article shall not be held responsible for any accident or any subsequent disease in connection with the impoundment of an animal.

(5) Optional animal-at-large procedure. In lieu of impounding an animal found at large, any police officer or Animal Control Officer may issue to the owner of such animal a notice of Code violation. Such notice shall impose upon the owner a civil fine of twenty-five dollars (\$25.00) and order that such fine be paid to the Licensing Authority within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such fine is not paid within the time period prescribed, a summons shall be issued in accordance with Section 7-4-810 of this Article. This optional procedure is available only for the first offense by an owner; second and subsequent offenses require a summons and court appearance.

(13) Sec. 7-4-830. Nuisance and animal-at-large violations.

Any person found guilty of permitting an animal to be at large, as defined in Section 7-4-160 above or a nuisance as defined in this Article shall be guilty of a petty offense and fined:

(1) Not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for the first offense. Any person may enter a guilty plea and pay the minimum fine prior to arraignment in Municipal Court.

(2) Not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00) for the second offense within a twelve-consecutive-month period.

The Animal Control Officer may afford any person the opportunity to enter a guilty plea and pay the minimum fine.

(3) Not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) for all offenses subsequent to the second offense within a twelve-consecutive-month period.

(14) Sec. 7-4-840. Vicious animal and dangerous dog violations.

Any person found guilty of keeping or maintaining a wild animal, dangerous animal or vicious animal, as defined in Section 7-4-10 above, shall be guilty of a misdemeanor and:

(1) Shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00); and

(2) Shall be ordered to remove such animal from the Town within twenty-four (24) hours of such order, or within twenty-four (24) hours after the end of any required rabies observation period. Refusal to comply with this order may result in impoundment and disposal of the animal; and

(3) In addition to or in lieu of the foregoing, may be sentenced to up to ninety (90) days in jail.

(15) Sec. 7-4-850. Other violations.

Any person violating any other provision of this Article shall be guilty of a petty offense and shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(16) Sec. 8-1-60. Violation; penalty.

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

(1) It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as adopted herein.

(2) Every person convicted of a violation of any provision in this Article or the Model Traffic Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

(17) Sec. 8-4-20. Violation/unlawful parking of semi-vehicle.

(a) Except as set forth in this Article, it shall be unlawful for any person to park a semi-vehicle on either public or private property within the Town, to leave a semi-vehicle unattended within the Town or to allow a semi-vehicle to be parked on private property within the Town.

(b) Exceptions. The following shall serve as exceptions to the prohibitions set forth in this Article:

(1) A semi-vehicle parked or otherwise located on private property with authorization of the owner in the industrial (I) or light industrial (LI) zoning district.

(2) Properties which have applied for and been granted a permit allowing truck parking as a conditional use within zones other than residential zones where proper parking facilities exist for truck parking and access.

(3) Semi-vehicle loading/unloading to the extent the owner is able to establish that unloading is scheduled to occur at a business location within the Town within twelve (12) hours.

(4) Semi-vehicles temporarily inoperable.

(5) Semi-vehicles currently engaged in construction at sites located within the Town.

(6) Semi-vehicles owned by any governmental entity, including the State.

(7) A semi-vehicle issued a permit by the Town Administrator/Clerk authorizing the semi-vehicle to be located within the Town at a specific location for a period of not more than forty-eight (48) hours.

(18) Sec. 10-8-90. Illegal possession or consumption by an underage person.

(a) Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere in the State commits illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

(b) Illegal possession or consumption of ethyl alcohol by an underage person is a Class 2 petty offense and shall be punished by a fine of not more than one hundred dollars (\$100.00). The court, upon sentencing a defendant pursuant to this paragraph, may, in addition to any fine, order that the defendant perform up to twenty-four (24) hours of useful public service, subject to the conditions and restrictions of Section 18-1.3-507, C.R.S., and may further order that the defendant submit to and complete an alcohol education program or an alcohol treatment program at such defendant's own expense. The penalty assessment provisions of Section 18-1.3-503, C.R.S., shall not apply to any charge under this Section.

(c) It shall be an affirmative defense to the offense described in Subsection (a) above that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

(1) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property, and the ethyl alcohol was possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption;

(2) When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes, or solely from the ingestion of a beverage which contained less than one-half of one percent (0.5%) of ethyl alcohol by weight.

(d) The possession or consumption of ethyl alcohol shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the first amendment to the United States Constitution.

(e) Prima facie evidence of a violation of Subsection (a) above shall consist of:

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol anywhere in this State; or

(2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in this State.

(f) During any trial for a violation of Subsection (a) above, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.

(g) A parent or legal guardian of a person under twenty-one (21) years of age or any natural person who has the permission of such parent or legal guardian, may give or permit the possession and consumption of ethyl alcohol to or by a person under the age of twenty-one (21) years under the conditions described in Subsection (c)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Articles 46, 47 or 48 of Title 12, C.R.S., or any members, employees or occupants of any such establishment to give, provide, make available or sell ethyl alcohol to a person under twenty-one (21) years of age.

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

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

Section 8. Pursuant to C.R.S. §31-16-105, This Ordinance shall not take effect until thirty (30) days after publication.

INTRODUCED this 23rd day of October, 2007.

TOWN OF WELLINGTON, COLORADO

ATTEST:

(signature)

Mayor

(signature)

Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 27th day of November, 2007.

TOWN OF WELLINGTON, COLORADO

ATTEST:

(signature)

Mayor

(signature)

Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)

Town Attorney

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