

AN ORDINANCE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF HOT SULPHUR SPRINGS; 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; ADOPTING BY REFERENCE (A) ORDINANCE 4 AND RESOLUTION 1985-8-6 OF GRAND COUNTY, COLORADO GOVERNING ANIMAL CONTROL WITHIN GRAND COUNTY, (B) THE *MODEL TRAFFIC CODE FOR COLORADO*, 2003 EDITION, (C) THE GRAND COUNTY BUILDING CODE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY IN RESOLUTION 1997-7-3 AND WHICH ADOPTS THEREIN BY REFERENCE WITH DELETIONS AND AMENDMENTS THE *UNIFORM BUILDING CODE*, 1997 EDITION, (D) THE GRAND COUNTY CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY IN RESOLUTION 1997-7-2 AND WHICH ADOPTS THEREIN BY REFERENCE WITH DELETIONS AND AMENDMENTS THE *UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS*, 1997 EDITION, (E) THE GRAND COUNTY MECHANICAL CODE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY IN RESOLUTION 1997-7-4 AND WHICH ADOPTS THEREIN BY REFERENCE WITH DELETIONS AND AMENDMENTS THE *UNIFORM MECHANICAL CODE*, 1997 EDITION, (F) THE GRAND COUNTY PLUMBING CODE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY IN RESOLUTION 1992-6-6 AND WHICH ADOPTS THEREIN BY REFERENCE WITH DELETIONS AND AMENDMENTS THE *UNIFORM PLUMBING CODE*, 1991 EDITION; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

*Be It Ordained by the Board of Trustees of the Town of Hot Sulphur Springs, Colorado:*

**Section 1.** The Code entitled the Town Code of Hot Sulphur Springs Colorado ("Town Code") consisting of Titles 1 through 10, with Tables and Index, is hereby adopted.

**Section 2.** Except as otherwise provided by this Ordinance, 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Ordinance, which are inconsistent with the provisions of the Town Code, to the extent of such inconsistency, are hereby repealed.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established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.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 Town Code. One (1) copy of each is on file in the Town Clerk's office:

(1) Ordinance 4 and Resolution 1985-8-6 of Grand County, Colorado governing animal control within Grand County as adopted and amended in Section 5-1-1 of the Town Code, et seq.;

(2) The *Model Traffic Code for Colorado*, 2003 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 6-1-2 of the Town Code, et seq.;

(3) The Grand County Building Code adopted by the Board of County Commissioners of Grand County in Resolution 1997-7-3 and which adopts therein by reference with deletions and amendments the *Uniform Building Code*, 1997 edition, published by the International Conference of Building Officials as adopted and amended in Section 8-1-1 of the Town Code, et seq.;

(4) The Grand County Code for the Abatement of Dangerous Buildings adopted by the Board of County Commissioners of Grand County in Resolution 1997-7-2 and which adopts therein by reference with deletions and amendments the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials as adopted and amended in Section 8-1-4 of the Town Code, et seq.;

(5) The Grand County Mechanical Code adopted by the Board of County Commissioners of Grand County in Resolution 1997-7-4 and which adopts therein by reference with deletions and amendments the *Uniform Mechanical Code*, 1997 edition, published by the International Conference of Building Officials and International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 8-1-7 of the Town Code, et seq.;

(6) The Grand County Plumbing Code adopted by the Board of County Commissioners of Grand County in Resolution 1992-6-6 and which adopts therein by reference with deletions and amendments the *Uniform Plumbing Code*, 1991 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 8-1-10 of the Town Code, et seq.

**Section 4.** The penalties provided by the Town Code are hereby adopted as follows:

A. GENERAL PENALTY PROVISIONS

1-4-1: GENERAL PENALTY PROVISIONS APPLICABLE TO THE HOT SULPHUR SPRINGS TOWN CODE.

(A) Any person convicted of a noncriminal violation, as designated in Section 1-4-3 (A) of this Code, may be fined by an amount not to exceed five hundred dollars (\$500.00).

(B) Any person convicted of a criminal violation, as designated in Section 1-4-3 (B) of this Code, may be incarcerated for a period of one (1) year or fined by an amount not to exceed one thousand dollars (\$1,000.00), or both.

(C) 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 of the fines and/or penalties applicable to the original charge.

- (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.

**1-4-2:**

**APPLICATION OF PENALTIES TO JUVENILES.**

Every person who, at the time of the commission of the offense, was at least ten (10) years 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 1-4-3 (A) herein, shall be punished by a fine of not more than five hundred dollars (\$500.00). Every such juvenile who is subsequently convicted of or pleads guilty or *nolo contendere* to a violation of any provision of this Code classified as criminal pursuant to Section 1-4-3 (B) herein, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). 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.

**1-4-3:**

**VIOLATIONS, PENALTIES.**

- (A) Except for those violations classified as criminal offenses pursuant to section 1-4-3 (B) of this Code, all violations of this Code are designated noncriminal violations. Any person charged with violating any provision of this Code so designated shall not be subject to incarceration upon conviction. Further, such person shall not be entitled to a trial by jury.

- (B) Those violations enumerated in Section 6-1-5 (B) of Title 6 of this Code are hereby designated criminal violations. Any person charged with violating any provision of this Code so designated may be subject to incarceration, in addition to fines and costs, upon conviction. Further, such person may be entitled to a trial by jury upon meeting the requirements of Rule 223 of the COLORADO MUNICIPAL COURT RULES OF PROCEDURE, as amended.

- (C) Any provision of this Code or any ordinance of the Town not specifically designated as noncriminal or criminal in nature, shall be presumed to be noncriminal provided there is no counterpart state statute for which, upon conviction, incarceration is possible.

**1-4-5:**

**ALTERNATIVES IN SENTENCING.**

When a defendant enters a plea of guilty or *nolo contendere*, or is convicted after trial, the Municipal Court has the following alternatives, which are not mutually exclusive, in entering judgment and imposing sentence:

- (1) The defendant may be sentenced to pay a fine, to imprisonment, or both, within the minimum and maximum sentence authorized pursuant to this Code.
- (2) All or part of the sentence may be suspended, and the defendant placed on probation for a term not longer than one (1) year.
- (3) The Court, with the consent of the defendant and the prosecution, may defer prosecution or judgment and sentence for a term of not longer than one (1) year.

- (4) The Court may order that the defendant make restitution to the victim for the actual damage or loss that was sustained. The Court shall fix the manner and time for performance.

**1-4-7: APPLICATION OF PROVISIONS.** The penalties provided in this Chapter shall be applicable to every section of this Town Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Town Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day that such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Town Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of the Town Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Town Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

**B. BUSINESS LICENSING**

**3-2-4: PENALTY:** Failure to comply with the terms of Sections 3-2-2 or 3-2-3 of this Chapter shall constitute a violation of this Code and shall be punishable in accordance with section 1-4-1(A) of this Code.

**C. NUISANCES**

**4-1-10: PENALTIES.** Whenever, in any section of this Chapter, the doing of any act is required, prohibited or declared to be unlawful, any person who shall be convicted of such a violation shall, for each offense as herein defined, be subject to penalties in accordance with Section 1-4-1 of this Code. The minimum fine imposed for each violation shall be one hundred dollars (\$100.00) and the court shall not reduce or suspend any portion thereof.

**D. LITTERING**

**4-2-5: ENFORCEMENT.** The Municipal Court shall have jurisdiction in prosecution of violations of this Chapter. In addition to penalties as provided for in Section 1-4-1 of this Code, the Town may seek restitution for the costs of cleanup associated with any violation of this Chapter.

**E. DOGS RUNNING AT LARGE**

**5-1-4(K):** Any person found guilty of violating this section shall, (1) upon the first conviction, be subject to the payment of a fine of not less than \$45.00, (2) upon the conviction of a second offense involving the same animal be fined a sum not less than \$90.00 and shall be required to spay or neuter and microchip the animal; (unless the owner provides a written statement from a licensed veterinarian that the spay or neuter

procedure would be harmful or dangerous to the health of the animal), and (3) upon the third and subsequent offenses shall be fined an amount not less than \$150.00 nor more than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. The minimum monetary fines stated in this subsection may not be suspended by the municipal court. Nothing in this subsection shall be construed as preventing the animal control officer from instituting a proceeding in the municipal court for any violation of this section where there has been no impoundment.

**F. MODEL TRAFFIC CODE**

**6-1-6: PENALTIES.** The following penalties, herewith set forth in full, shall apply to this Chapter:

- (A) It is unlawful for any person to violate any provision of the 2003 Edition of the Model Traffic Code as amended and adopted by the Town.
- (B) Any person convicted of a criminal traffic offense, as defined in Section 6-1-5(B) of this Code shall be punished by a penalty as provided in Chapter 4 of this Title.
- (C) Any person admitting liability for, found to be guilty of, or against whom a default judgment has been entered for any noncriminal traffic infraction shall be fined in an amount not exceeding three hundred dollars (\$300.00). No defendant found to be guilty of any noncriminal traffic infraction shall be punished by imprisonment for such infraction.

**G. SNOWMOBILES**

**6-2-6: VIOLATIONS AND PENALTIES.** Any person violating the terms of this Chapter shall, upon conviction, be subject to the penalties in accordance with Section 1-4-1 of this Town Code. The costs of prosecution may be added.

**H. EXCAVATIONS**

**7-1-12: PENALTY.** Any person who violates this Chapter shall be subject to forfeiture of his bond or certified check, restitution to the Town in the amount required to repair any damages to the public way or places and/or a fine. The minimum fine imposed shall be one hundred dollars (\$100.00) with a maximum of one thousand dollars (\$1,000.00) and the Court shall not reduce or suspend any portion thereof. In addition to fines, costs and restitution, the court may impose a maximum ninety (90) days imprisonment.

**I. PUBLIC PARKS**

**7-5-15: VIOLATIONS - PENALTIES.** Violations of this chapter shall be governed by Chapter 4 of Title I of this Code.

**J. BUILDING CODES**

**8-1-13: PENALTIES FOR VIOLATIONS OF PRIMARY AND SECONDARY CODES ADOPTED HEREBY.**

(A) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or equipment in the Town, or to cause or permit the same to be done in violation of any of the primary or secondary codes as adopted by this Ordinance. Maintenance of any condition which was unlawful at the time it was initiated and which would be unlawful under any of the primary and secondary codes adopted by this Ordinance, if installed after the effective date hereof, shall constitute a continuing violation. Any person violating any of the provisions of any of the primary or secondary codes, as adopted hereby, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the primary or secondary codes occurs and/or continues, and upon conviction of any such violation, the violator shall be subject to a fine of not more than three hundred dollars (\$300.00) for each and every offense. In addition to any and all other remedies, the Town may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling or use.

(B) It shall be unlawful for any person to erect, construct, enlarge, alter or change the use of any building or other structure within the Town without first obtaining all permits required by any of the primary or secondary codes as adopted hereby. No permit shall issue unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning ordinances and other applicable regulations of the Town.

K. ZONING

**9-2-3: VIOLATION AND PENALTY.** It shall be unlawful to build or use any building or structure or to use premises in this Town for any purpose or use other than one permitted by the terms of this Title in the area in which the same is located. The Town Attorney, upon request of the Board of Trustees, shall institute injunction, abatement or any other appropriate action to enjoin, abate or remove such violation. A separate and distinct offense shall be deemed committed upon each day that a violation is permitted to exist or continue. Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Title shall be guilty of a violation of this Title and shall be subject to the penalties provided in Section 1-4-1 of Title 1 of the Hot Sulphur Springs Town Code.

Article I. SUBDIVISION

**10-1-11: VIOLATIONS AND ENFORCEMENT.**

(A) Violations of Subdivision Regulations: It shall be unlawful and a misdemeanor violation of these Subdivision Regulations for any person to violate any provision of these Subdivision Regulations and upon conviction thereof shall pay a fine of not less than three hundred dollars (\$300.00) or be imprisoned for a period not to exceed ninety (90) days, or be penalized by both such fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense.

(B) Violation of Express Condition of Subdivision Approval: It shall be unlawful and a misdemeanor violation of these Subdivision Regulations for any person to fail to

substantially satisfy or to breach a condition or requirement expressly imposed upon any approval of any application pursuant to these Subdivision Regulations and upon conviction thereof shall pay a fine of not less than three hundred dollars (\$300.00) or be imprisoned for a period not to exceed ninety (90) days, or be penalized by both such fine and imprisonment. Each day that a violation of this section continues shall constitute a separate and distinct offense

**Section 5.** Additions or amendments to the Town 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 Town Code, so that reference to the Town Code includes the additions and amendments.

**Section 6.** Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Town Code shall be construed as if they amend or refer to those provisions of the Town Code.

**Section 7.** This Ordinance shall be published in accordance with Section 31-16-105, C.R.S., and shall be effective 30 days following such publication or on January 31, 2008, whichever date is later.

INTRODUCED, READ, AND PUBLIC HEARING SCHEDULED FOR DECEMBER 20, 2007 BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 15th DAY OF NOVEMBER, 2007

TOWN OF HOT SULPHUR SPRINGS

By:



Herschel Deputy, Mayor

I hereby certify that the above Ordinance was introduced to the Board of Trustees of the Town of Hot Sulphur Springs at its meeting of November 15, 2007, and notice of public hearing thereon was published two times by the *Middle Park Times* newspaper on November 29th, 2007, and December 6th, 2007.

ATTEST:

By:



Barbara Elliott, Town Clerk

SEAL

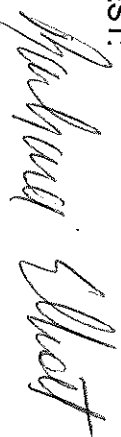
FINALLY ADOPTED, PASSED, APPROVED AND ORDERED PUBLISHED IN FULL BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 20th DAY OF DECEMBER, 2007, BY A VOTE OF 6 IN FAVOR, 0 AGAINST AND 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

I hereby certify that the above Ordinance was finally adopted by the Board of Trustees of the Town of Hot Sulphur Springs at its meeting of December 20th, 2007, and ordered published with amendments if any one time by the Middle Parks Times newspaper on January 24, 2008.

ATTEST:

By:



Barbara Elliott, Town Clerk

SEAL



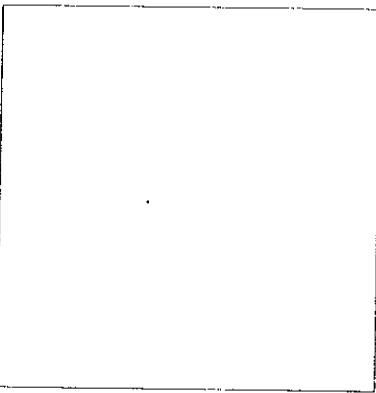
**QUITCLAIM DEED**

(Consideration Less than \$500.00)

THIS DEED, Made this 26<sup>th</sup> day of September 2003 between

**EDWARD T. MOYER AND KRISTIN S. MOYER**  
whose address is PO Box 294 Hot Sulphur Springs, CO 80451  
County of Grand, State of Colorado, as grantors; and

**TOWN OF HOT SULPHUR SPRINGS**  
whose address is PO Box 116, Hot Sulphur Springs, CO 80451  
County of Grand, State of Colorado, the following property located within  
the County of Grand, State of Colorado, as grantee



WITNESSETH, That the grantors, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and Quit Claimed, and by the presents does remise, release, sell and Quit Claim unto the grantee, their heirs, successors and assigns, forever, all right, title, interest, claim and demand which the grantees have in and to the real property, together with improvements, if any, situated, lying and being in the County of Grand, State of Colorado, described as follows:

The North 17.20 feet of Parcel B, Bartel Outright Exemption, Recorded at Reception No. 98008628 of the Grand County Records.

Also known as street and number      N/A

WITNESSETH, that said property is being quitclaimed as a portion of Ridgeway Avenue right-of-way.

**TO HAVE AND TO HOLD**, the same, together with all and singular the appurtenances and privileges thereunto belongings, or in anywise thereunto appertaining and all the estate, right, title, interest and claim whatsoever, of the grantors, either in law or equity, to the only proper use, benefit and behalf of the grantee, their heirs and addigns forever. The singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantors have executed this deed on the date set forth above.

BY: Edward T. Moyer  
Edward T. Moyer

BY: Kristin S. Moyer  
Kristin S. Moyer

State of Colorado      }  
                                  } ss  
County of Grand      }

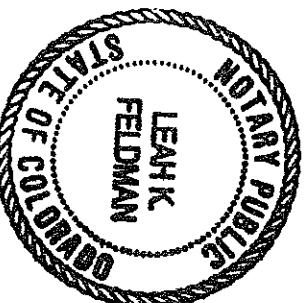
The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of September, 2003, by Edward T. Moyer and Kristin S. Moyer.

WITNESS my hand and official seal.

Leah K. Feldman

Notary Public

My commission expires May 02, 2007



My Comm. Expires 05-02-07

**EDWARD T. MOYER AND KRISTIN S. MOYER**  
whose address is PO Box 294 Hot Sulphur Springs, CO 80451  
County of Grand, State of Colorado, as grantors, and

**TOWN OF HOT SULPHUR SPRINGS**  
whose address is PO Box 116, Hot Sulphur Springs, CO 80451  
County of Grand, State of Colorado, the following property located within  
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**WITNESSETH**, That the grantors, for and in consideration of the sum of Ten (\$10.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and Quit Claimed, and by the presents does remise, release, sell and Quit Claim unto the grantee, their heirs, successors and assigns, forever, all right, title, interest, claim and demand which the grantees have in and to the real property, together with improvements, if any, situated, lying and being in the County of Grand, State of Colorado, described as follows:

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Also known as street and number N/A

**WITNESSETH**, that said property is being quitclaimed as a portion of Ridgeway Avenue right-of-way.

**TO HAVE AND TO HOLD**, the same, together with all and singular the appurtenances and privileges thereunto belongings, or in anywise thereunto appertaining and all the estate, right, title, interest and claim whatsoever, of the grantors, either in law or equity, to the only proper use, benefit and behalf of the grantee, their heirs and addigns forever. The singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF**, the grantors have executed this deed on the date set forth above.

BY: *Edward T. Moyer*  
Edward T. Moyer

BY: *Kristin S. Moyer*  
Kristin S. Moyer

State of Colorado }  
                          } ss  
County of Grand }

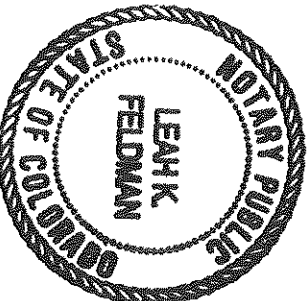
The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of September, 2003, by Edward T. Moyer and Kristin S. Moyer.

WITNESS my hand and official seal.

*Leah K. Feldman*

Notary Public

My commission expires May 02, 2007



My Comm. Expires 05-02-07