# KEENESBURGMUNICIPAL CODE

1998

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

**Beginning with Supp. No. 6,**
**Supplemented by Municipal Code Corporation**



**OFFICIALS
of the
TOWN OF KEENESBURG**

*Mayor*
Danny Kipp

*Mayor Pro Tem*
Cindy Baumgartner

*Board of Trustees*
Sandra Beach
Steven Brandt
Lisa Sparrow
Wendi Tyler
Wilbur Wafel

*Town Clerk*
Debra Chumley

*Town Attorney*
Kathleen Kelly

SUPPLEMENTATION

The Keenesburg, Colorado Municipal Code, originally published by Colorado Code Publishing Company, will be kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

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 "Keenesburg Municipal Code" is amended by the addition thereto of a new Section 2-1-10, 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 "Keenesburg 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 2-1-10 of the "Keenesburg 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 2-1-10 of the "Keenesburg 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 2-1-10 of the "Keenesburg Municipal Code" is repealed in its entirety.

**PREFACE**

The Town of Keenesburg, 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 heading, 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 a section number. This system allows for new sections to be inserted in the future. Each section may be cited by the chapter, article and section numbers 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 sources for the contents of the code and provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether a prior code section, 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.



TOWN OF KEENESBURG, COLORADO
ORDINANCE NO. 1-02

AN ORDINANCE OF THE TOWN OF KEENESBURG, ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF KEENESBURG; 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 Keenesburg, Colorado:*

*Section 1.* The code entitled *The Keenesburg* *Municipal Code* published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, 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 Keenesburg Municipal Code, to the extent of such inconsistency, are hereby repealed.

*Section 3.* The repeal established in Section 2 of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

*Section 4.* Secondary codes. The following codes were adopted by reference and incorporated in the Keenesburg Municipal Code. One (1) copy is on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado Municipalities*, 1995 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10 et seq.; and

(2) The *Weld County Building Code*, published by Weld County, Colorado, as adopted in Section 18-1-20;

(3) The *Uniform Building* Code, 1997 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-1-20;

(4) The *International Mechanical Code*, 1998 edition, published by the International Code Council, Inc., as adopted in Section 18-1-20;

(5) The *International Plumbing Code*, 1997 edition, published by the International Code Council, Inc., as adopted in Section 18-1-20;

(6) The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, as adopted in Section 18-1-20; and

(7) The *National Electrical* Code, 1996 edition, published by the National Fire Protection Association, as adopted in Section 18-2-10.

*Section 5.* The penalties provided by the Keenesburg Municipal Code are hereby adopted as follows:

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

Any person who shall violate or fail to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

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

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, 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. 7-1-40.   Abatement of nuisances. (Article I, Health, Sanitation and Animals)**

(c) Any notice issued pursuant to the provisions of this Section to the owner, agent or occupant of property in which a nuisance is discovered shall describe the condition that is a nuisance; state the time in which the condition is to be removed and abated from the property; and contain a statement that, if the nuisance is not abated within seven (7) days, an action may be brought in the Municipal Court to abate the nuisance, and that the costs of abatement, plus fifteen percent (15%) of such costs for inspection and other additional administrative costs, may be assessed against the person found by the Court to have caused, allowed to be caused or allowed to continue the public nuisance, and may become a lien upon any property on which the abatement was performed.

(4) **Sec. 7-1-60.   Abatement assessment and collection. (Article I, Health, Sanitation and Animals)**

(b) If the costs of abatement have not been otherwise collected, the Mayor shall prepare a statement enumerating the actual costs of abatement and collection plus fifteen percent (15%) of the abatement costs for inspection and other additional administrative costs. The costs enumerated in this statement shall be a first and prior lien upon the property relating back to the date upon which the abatement was performed. A copy of this statement shall be deposited in the United States mail or personally hand delivered to the owner. The owner may request a hearing before the Mayor to contest the amount of the costs. Such request may be made in writing and be filed with the Mayor within thirty (30) days of the date of mailing or service of the first statement to the owner. The owner shall be given at least two (2) weeks' written notice of the date, time and place of any hearing scheduled before the Mayor. The decision of the Mayor shall be final. If the statement remains unpaid, the amount shall be certified by the Mayor to the County Treasurer. The County Treasurer, upon receipt of this certified statement, is hereby authorized to place the amount upon the tax list for the current year and to collect that amount in the same manner as taxes are collected, with a ten percent (10%) surcharge thereon.

(5) **Sec. 7-4-70.   Abatement of nuisance. (Article IV, Health, Sanitation and Animals)**

(b) If any owner, agent or party in possession shall fail to cut the weeds, after proper written notice, the Mayor may direct that the weeds be cut by an employee of the Town and the cost thereof, together with five percent (5%) of the cost of cutting and removing added on for postage, inspection and other incidentals. If the cost of cutting and removing, together with the additional percentage of the cost of cutting and removal, is not paid to the Town within fifteen (15) days after the Town Clerk bills the parties responsible for payment thereof, such failure shall cause the amount, for which the Town Clerk has sent statements to the parties responsible for payment, to become a lien against such real property and shall have priority over all other liens, except general taxes and prior special improvement taxes or assessments.

(6) **Sec. 7-6-130.   Penalties. (Article VI, Health, Sanitation and Animals)**

(a) Any person who is found guilty of a violation of Sections 7-6-40 and 7-6-90 of this Article shall be punished by a fine of not less than forty dollars ($40.00) or more than two hundred dollars ($200.00) for the first violation, a fine of not less than sixty dollars ($60.00) or more than four hundred dollars ($400.00) for the second violation, and a fine of not less than seventy-five dollars ($75.00) or more than four hundred ninety-nine dollars ($499.00) for a third violation within any twenty-four-month period of time.

(b) Any person who violates any other provision of this Article shall be punished by a fine not exceeding four hundred ninety-nine dollars ($499.00) or by a jail sentence of not more than ninety (90) days or by both such fine and imprisonment. In addition to the above penalties, the Court shall impose such costs as may be appropriate and shall order the payment of restitution to any aggrieved person or entity as may be appropriate in the Court's discretion.

(7) **Sec. 10-6-70.   Possession of cannabis. (Article VI, General Offenses)**

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

(8) **Sec. 13-1-600.   Penalties. (Article I, Municipal Utilities)**

Violation of Sections 13-1-580, 13-1-590 and 13-1-600 of this Article shall be a violation of this Article. Any person convicted of violating such Article may be punished as set forth in Section 1-4-20 of this Code. In addition, he or she may be assessed costs not to exceed twenty-five dollars ($25.00) for trial to the court and one hundred dollars ($100.00) for trial by jury.

(9) **Sec. 13-2-210.   Violations; penalties. (Article II, Wastewater)**

Any person found to be violating the provisions of this Chapter may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. If such violation is not corrected within the time stated in the notice, the violator may be charged with a violation of any section of this Chapter. For any violation which continues for more than one (1) day after the time set forth in the notice, each day such violation continues shall be considered a separate violation and constitute a separate offense. If any person, firm, corporation or other entity is convicted of violating any provision of this Chapter, they shall become liable to the Town for all expense, loss and damage occasioned by the Town as a result of such violation and be subject to a fine of not more than one thousand dollars ($1,000.00) for each violation or such other penalty as provided by law.

(10) **Sec. 16-7-200.   Violation; penalty. (Signs)**

Every person convicted of a violation of the provisions stated or adopted in this Chapter shall be punished by a fine as set forth in Section 1-4-20 of this Code. In addition, the Court shall order the defendant to remove such sign within thirty (30) days and, if the defendant fails to do so, the Town may remove such sign and charge to the property owner its costs, plus ten percent (10%) for inspection, administration and other incidentals.

(11) **Sec. 18-1-70.   Penalties. (Weld County Building Code)**

(a) It shall be unlawful for any person, firm, corporation or other entity to violate any of the provisions of this Article.

(b) Any person, firm, corporation or other entity violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each such person, firm, corporation or entity upon conviction of any violation of this Article shall be punished by a fine of not more than three hundred dollars ($300.00) or be imprisoned for not more than ninety (90) days or both such fine and imprisonment for each offense.

(c) When a violation of any section of this Article or any part of the adopted Code occurs and continues for more than one (1) day, each day such violation occurs or continues shall constitute a separate offenses.

*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.* This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 21st day of January, 2002.

TOWN OF KEENESBURG, COLORADO

ATTEST:

|  |  |
| --- | --- |
|  | /s/ (signature)     John Cordes, Mayor  |
|   |   |

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| --- | --- |
| /s/ (signature)     Cheryl Jesser, Town Clerk  |  |
|   |   |

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 19th day of February, 2002.

TOWN OF KEENESBURG, COLORADO

ATTEST:

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| --- | --- |
|  | /s/ (signature)     John Cordes, Mayor  |
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| --- | --- |
| /s/ (signature)     Cheryl Jesser, Town Clerk  |  |
|   |   |

(SEAL)

APPROVED AS TO FORM:

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| --- | --- |
| /s/ (signature)     Don Hoff, Town Attorney  |  |
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