

ORDINANCE NO. 347

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

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SPRINGFIELD, COLORADO:

Section 1. The code entitled "Springfield Municipal Code" published by Municipal Code Corporation in 2020 by the Order of the Board of Trustees, consisting of Chapters 1 through 18, with tables and index, is adopted as the primary municipal code of the Town of Springfield by reference as if fully set forth herein.

Section 2. All ordinances or portions of said ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance which conflict with or are inconsistent with the provisions of the Springfield Municipal Code, to the extent of such conflict or inconsistency and not otherwise saved from repeal, are hereby repealed. This Ordinance does not repeal or amend any provisions, or any part of said provisions under the Springfield Municipal Code unless provided for herein.

Section 3. The repeal established in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.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. The following codes and rules and regulations were adopted by reference and incorporated in the Springfield Municipal Code. One (1) copy of each such code is on file in the Town Clerk's office:

- (1) The *Model Traffic Code*, 2003 edition, published by the Colorado State Department of Transportation, as adopted and amended in Chapter 8.
- (2) The *International Building Code*, 2006 edition, published by the International Code Council, as adopted and amended in Chapter 18.
- (3) The *International Fire Code*, 2006 edition, published by the International Code Council, as adopted and amended in Chapter 18.
- (4) The *Energy Conservation Code*, 2006 edition, published by the International Code Council, as adopted and amended in Chapter 18.

Section 5. The penalty provisions set forth in the Springfield Municipal Code are hereby adopted as follows:

- (1) **Sec. 1-103. Penalty for a violation of Code provisions; continuing violations.**

(a) 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, 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 in the 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 \$300.00, or by imprisonment for not more than 90 days, or by performance of useful public service, or by fine, imprisonment and useful public service.

(b) Every day any violation of this Code, 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.

(c) The imposition of a penalty does not prevent the revocation or suspension of a license, permit or franchise or any other administrative sanctions authorized by law.

(d) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or order shall be deemed a public nuisance and may be abated by the town through injunctive or other equitable relief and by such other means as provided by law. The imposition of a penalty does not prevent equitable relief.

(2) Sec. 1-104. Application of penalties to juveniles.

(a) For the purposes of this section, a "minor offender" or "juvenile" shall be defined as any person accused of an offense contrary to this Code who, on the date of the alleged offense, was at least ten years of age, but had not yet attained the age of 18 years. Except as to alleged violations of chapter 8, article I of this Code (the Model Traffic Code), any minor offender convicted of a violation of this Code, or any rule or regulation promulgated thereunder, shall be punished by a fine of not more than \$300.00, or by confinement in a juvenile detention facility operated by or contracted by the state department of human services or temporary holding facility operated by or under contract with a municipal government, or by performance of useful public service, or by both fine, detention and performance of useful public service.

(b) Nothing contained herein shall be construed to abrogate, abolish or otherwise limit the power of the municipal court to punish any minor offender before it for contempt of court, but pursuant to C.R.S. § 13- 10-113(5), any such punishment may not exceed confinement in excess of 48 hours.

(c) The municipal judge may promulgate all such rules and orders regarding the procedural processing of minor offenders appearing before the municipal court as the municipal judge may, from time to time and consistent with state law, deem appropriate.

(d) All offenses contrary to this Code, as applied to minor offenders, shall be subject to the provisions of this section.

(3) Sec. 1-105. Penalty for violations of ordinances adopted after adoption of Code.

Any person, firm or corporation who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after the adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by section 1-103 or 1-104, unless another penalty is specifically provided for the violation.

(4) Sec. 2-114. Law enforcement surcharge.

The municipal court shall assess a surcharge of \$15.00 against any defendant convicted of a violation of this Code or of any ordinance of the town. All surcharge funds collected by the municipal court shall be allocated in the town's annual budget exclusively for purposes of training for police officers and the purchase and/or maintenance of police equipment.

(5) Sec. 2-115. Cost recovery.

(a) Purpose. The purpose of this article is to authorize the use of any lawful means to collect penalties, to impose a fee upon the party against whom a penalty is assessed in order to cover the cost of collection, and to establish a maximum collection fee.

(b) Authorization to collect penalties using any lawful means. The court is authorized to use any lawful method of collecting penalties due from any person assessed such penalties.

(c) Creation of special fee for collections. The court shall charge a fee to cover the reasonable costs of collection in addition to penalties otherwise due, and interest at the statutory rate for unpaid civil judgments. Reasonable costs of collection shall include, without limitation, the fees and costs of the town attorney or of other counsel or a collection agency.

(d) Limitation on special fee for collection. The special fee for collections shall not exceed 25 percent of the amount of the penalty assessed.

(6) Sec. 2-151. Inspection of premises for fire hazards; compliance with order to remove; penalty.

(a) It shall be the duty of the fire chief to inspect or cause to be inspected by fire department officers or members, as often as may be necessary but not less than two times a year in outlying districts and four times a year in the closely built portions of the town, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any

conditions liable to cause fire or any violations of the provisions or intent of any ordinance of the town affecting the fire hazard.

(b) Whenever any officer or member shall find in any building, or upon any premises or other place, any combustible or explosive matter, dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any other highly flammable materials especially dangerous to life or property by reason of the fire hazard, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within 24 hours to the mayor, who shall within ten days review such order and file his decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant.

(c) Any owner or occupant failing to comply with such order within ten days after the appeal has been determined or, if no appeal is taken, then within ten days after the service of the order, shall be liable to a penalty as stated in subsection (d) of this section.

(d) Any person, firm or corporation violating any of the provisions of this section shall, upon conviction, forfeit and pay a fine of not more than \$25.00 for every day thereafter so long as the violation exists, and a fine of not more than \$100.00 for subsequent violations.

(7) Sec. 2-157. Violation; penalty; additional remedies.

(a) Any person, firm or corporation, except members of the fire department in the performance of their duties as such and others acting under orders of the fire chief, violating any of the provisions of this article shall, upon conviction thereof, be fined not less than \$5.00 and not more than \$300.00 for each offense. Members of the fire department, when acting as such, violating any of the provisions of this article shall be dealt with in accordance with the bylaws of the fire department.

(b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions, and the imposition of one penalty for any violation of this article shall not excuse the violation or permit it to continue, and all persons convicted thereof shall be required to correct or remedy such violations or defects within a reasonable time.

(c) When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(8) Sec. 2-218. Town ordinances applicable to use of airport property.

The ordinances of the town pertaining to nuisances, destruction of town property, any unauthorized use by vehicles of runways and ramps or such unauthorized use of airport facilities, shall apply to the real property constituting the Springfield Airport, and such violations as are provided by any such ordinances apply to this facility and shall be punishable upon conviction as provided in section 1-103.

(9) Sec. 4-143. Enforcement and penalties.

(a) It shall be unlawful for any vendor intentionally, knowingly or recklessly to fail to pay the tax imposed by this article, or for any person to otherwise violate any provision of this article. Any person convicted of violation of this article shall be punished pursuant to section 1-103.

(b) A penalty in the amount of ten percent of the tax due or the sum of \$10.00, whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the tenth day of the month as required by this article. The town clerk is authorized to waive, for good cause shown, any penalty assessed.

(10) Sec. 6-153. Penalty.

Any person, corporation, company, partnership, business association or organization violating the provisions of this article shall be subject to punishment in accordance with section 1-103.

(11) Sec. 7-2. Nuisance defined.

(a) The following are deemed to be a public nuisance:

(1) Any building, land, substance or personal property, the use or condition of which presents a substantial danger or hazard to the physical health or safety of the public, or used for any purpose which is in violation of the provisions of this Code.

(2) The conducting or maintaining of any business, occupation, operation, or activity in violation of the provisions of this Code.

(3) Any business, occupation, operation, activity, or any building, land, substance, or personal property, the use or condition of which has been identified as a public nuisance in this Code, the Colorado Revised Statutes, or the common law.

(b) It shall be unlawful for any person to violate any of the provisions under this article. Any person found guilty of violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine pursuant to section 1-103. Each day that a violation of any of the provisions of this article continues to exist shall be deemed to be a separate and distinct violation.

(c) Whenever, in a criminal or noncriminal prosecution under this article, the court finds the existence of a nuisance, the court is authorized to abate the nuisance and assess costs in the same fashion as if a civil abatement proceeding had been commenced under this article.

(d) Any violation of any injunction or order issued by the court in an action to abate a public nuisance may be punished as a contempt of court or by a fine as specified in section 1-103. Unless the violation by its nature cannot be corrected, each day's failure to comply with an injunction or order to abate shall constitute a separate violation, for which an additional penalty may be imposed.

(12) Sec. 7-36. Inspections for hazardous accumulations of garbage or refuse; complaints.

The mayor, the chief of police or any other town employee authorized to make inspections to prevent unreasonable accumulation of garbage within the town is authorized to make such inspections of public or private property. In the event the town employee determines that the garbage constitutes a nuisance or health hazard or has been allowed to accumulate in an unreasonable amount, the employee may file a complaint against the owner of the property or the person who accumulates the garbage. Such complaint shall be under the provisions of this article and subject to punishment pursuant to section 1-103 of this Code.

(13) Sec. 7-105. Barking or noisy animals prohibited; impoundment.

It is unlawful for any owner or keeper of any animal to permit such animal, by loud, persistent or habitual barking or other such loud noise, to disturb any person or neighborhood. Such animal is a public nuisance and may be impounded at the owner's, keeper's or possessor's cost, or the owner or keeper of the animal may be fined as provided in section 1-103 of this Code.

(14) Sec. 7-108. Keeping livestock prohibited.

No person shall keep any livestock, including horses, cattle, pigs, hogs, sheep or goats, within the corporate limits of the town. The keeping of livestock, including the animals above enumerated, within the corporate limits of the town is hereby declared a nuisance and a misdemeanor, punishable as provided in section 1-103 of this Code.

(15) Sec. 7-132. Dangerous dog destroyed.

In addition to the penalties set forth in this Code, in accordance with state law, the court may order that the dangerous dog be immediately confiscated and placed in a public animal shelter and may order that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of section 7-131, the owner's dangerous dog be destroyed by lethal injection administered by a licensed veterinarian.

(16) Sec. 7-137. Rabies vaccination required.

The owner, possessor or keeper of every dog within the town shall have such dog inoculated against rabies by a licensed veterinarian between January 1 and March 1 at least as often as once every three years. Dogs purchased, obtained or otherwise acquired or brought into the town shall be inoculated within 30 days after such acquisition or being brought into the town, unless satisfactory evidence of prior inoculation shall be presented to the town clerk. Failure to present the town clerk with evidence of rabies inoculation within a three-year period shall subject the owner, possessor or keeper of a dog to the penalties imposed in section 1-103 of this Code.

(17) Sec. 7-144. Allowing dogs to disturb garbage or trash; liability.

It is unlawful for any owner, possessor or keeper of any dog to allow the dog to disturb or molest any trash or garbage. Such violation shall be punishable in accordance with section 1-103 of this Code, and shall also subject the owner, possessor or keeper of the dog to such additional costs as may be incurred by the disturbance or molestation of such trash or garbage.

(18) Sec. 8-4. Penalties.

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 adopted in this article.

(2) Every person convicted of a violation of any provision adopted in this article shall be punished in accordance with section 1-103.

(19) Sec. 8-32. Junk vehicles on public streets and rights-of-way prohibited.

(a) No person shall knowingly leave any partially dismantled, wrecked, discarded, junk or unlicensed vehicle on any public street, highway or right-of-way within the town. Any person maintaining a junk vehicle on a public street, highway or right-of-way within the town in violation of this section shall be liable for fines of up to punished in accordance with section 1-103.

(b) Notice may be served on the owner of a junk vehicle maintained in violation of this section by firmly attaching such notice to the vehicle or parts thereof in plain sight. Such notice shall require the violation to be abated by removal or enclosure or repair so as to bring the vehicle into compliance with this section within 15 calendar days from the date of issuance of such notice.

(c) If the owner of a junk vehicle fails to remove the vehicle or bring it into compliance with this section within 15 calendar days from the date the notice of violation was issued, the town may remove the vehicle and impound it for a period of not less than 30 days or until the town is permitted to dispose of the vehicle in accordance with the terms of this article, whichever period is longer.

(d) The owner of any vehicle removed by the town in accordance with this section may request a hearing regarding the violation by filing a notice with the municipal court of the town within 15 days after the notice of violation is served or the vehicle is impounded, whichever occurs later. A hearing shall be held as soon as practicable, but in no case more than 30 days after the request for a hearing is filed with the municipal court.

(e) If the vehicle owner requests a hearing before the municipal court, no action shall be taken by the town to remove, impound or dispose of the vehicle until such time as the municipal court makes a determination upon the hearing.

(f) If the vehicle owner fails to request a hearing within the time permitted by this section, the town may dispose of the vehicle in accordance with the terms of this article.

(20) Sec. 8-33. Maintaining junk vehicles on real property within the town prohibited.

(a) The board of trustees hereby finds and declares that maintaining junk vehicles on real property within the town boundaries constitutes a hazard to the public health, safety and welfare of the residents of the town. Accordingly, it shall be unlawful for any person to park, leave, display, store or keep any junk vehicle on any premises, within any zoning district, anywhere within the town, except as provided herein.

(b) It shall be unlawful for any person to leave, display, store or keep any junk vehicle parts on any premises within any zoning district or anywhere within the town.

(c) In the event of the storage or keeping of such junk vehicles or parts thereof in the town, the persons responsible for the violation of this section shall include the owner of the junk vehicle or parts thereof, the occupant or lessee of the premises where stored or kept and the owner of such premises.

(d) Any person maintaining a junk vehicle within the town in violation of this section shall be punished in accordance with section 1-103.

(e) Exemptions:

(1) Any vehicle licensed and registered as a collector vehicle, as provided by state law, which is maintained in such a manner as not to constitute a health, safety or fire hazard and which is contained in a fully enclosed structure; and

(2) Vehicles stored or kept on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, provided that any dismantled, discarded, wrecked, demolished or partially demolished vehicles are stored in a fully enclosed structure.

(21) Sec. 8-77. Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, punishable as provided in section 1-103 of this Code.

(22) Sec. 13-26. Wasting water; second occurrence; penalty.

Upon the second occurrence of water running for a distance of 300 feet or more from the point of application, a complaint shall be filed against the person responsible for the watering and, upon conviction, a fine of \$10.00 shall be assessed against such person.

(23) Sec. 13-27. Violations following first conviction; penalty.

(a) After the first conviction, a person who allows water from the town mains to run for a distance of 300 feet or more shall be subject to a complaint being filed against him, and, upon conviction of the second offense, shall be subject to a fine of not more than \$100.00.

(b) In addition to the fine, the town manager is authorized to reduce the water pressure by placing a choke at or near the water meter, which shall remain until the town is satisfied that water will not be wasted.

(24) Sec. 13-28. Wasting water; penalty for subsequent convictions.

Each subsequent conviction of any person for wasting water, as provided in sections 13-24 through 13-27, shall subject the person to punishment as provided in section 1-103 of this Code.

(25) Sec. 13-72. Prohibition against tampering with wastewater facilities.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to punishment as set out in section 1-103.

(26) Sec. 13-74. Penalties.

(a) Any person found to be violating any provision of this resolution article, except section 13-72, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection 13-28(a) of this section, shall be given a written summons and complaint, and on conviction thereof, shall be punished as set out in section 1-103.

(c) any person violating any of the provisions of this article becomes liable to the town for any expense, loss or damage occasioned by the town by reason for such violation.

(27) Sec. 13-159. Electrical service furnished by town; regulations part of customer contract; penalty for violations.

(a) The town shall furnish electric currents for light, heating, cooking and power purposes to persons whose premises abut on any supply wire of the distribution system of the town.

(b) The rules, regulations and rates for electrical service, hereinafter named, shall be considered a part of the contract with every person, company or corporation who is supplied with electrical service through the electrical distribution system of the town, and every such person, company or corporation, by taking electrical service therefrom, shall be considered and held to consent to be bound thereby.

(c) Whenever any such rules and regulations now existing or hereafter adopted by the town are violated, the electric current shall be cut off from the building or place of such violation, even though two or more parties may receive current through the same line, and shall not be turned on again except by order of the electrical inspector, on payment of the fee in the amount set out in the town's master fee schedule for shutting off and turning on, upon such other terms as the electrical inspector shall determine, and upon a satisfactory understanding with the party that no further cause for complaint shall arise. In case of violation, the electrical inspector shall have the right to declare any payment made for electric current by the person committing such violation forfeited, and the same shall thereupon be forfeited.

(28) Sec. 13-175. Violation; penalty.

Any person, firm or corporation who violates any of the provisions of this article or any of the rules and restrictions for the government of consumers' light, heat or power, as hereafter promulgated by resolution of the mayor and board of trustees or the electrical inspector, or who violates, neglects or refuses to comply with any order or notice of the electrical inspector made pursuant to the provisions of this article, shall, upon conviction thereof, in addition to the forfeitures, liabilities, stipulations and reservations contained in this article, be deemed guilty of a violation of this article, and, upon conviction, shall pay a penalty as provided in section 1-103 of this Code.

(29) Sec. 17-152. Penalties.

Whoever being the owner, proprietor or the agent of the owner or proprietor of any land located within any subdivision within the jurisdiction of the commission transfers, sells or agrees or negotiates to transfer or sell such land by reference to or exhibition of or other uses of a plat or subdivision of any portion of such subdivision before such plat has been approved as herein provided and has been recorded in the office of the county clerk, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as set out in section 1-103 for each lot, tract or parcel so transferred, sold or agreed or negotiated to be transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of transfer or sale shall not exempt the transaction from such penalties.

(30) Sec. 18-2. Penalty.

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

- (1) It is unlawful for any person to violate any provisions adopted in this article.
- (2) Every person convicted of a violation of any provision adopted in this article shall be punished as set out in section 1-103.

(31) Sec. 18-27. Penalty.

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

- (1) It is unlawful for any person to violate any provisions adopted in this article.
- (2) Every person convicted of a violation of any provision adopted in this article shall be punished as set out in section 1-103.

(32) Sec. 18-82. Violation; penalty; additional remedies.

(a) Any and all persons who violate any of the provisions of this article or fail to comply therewith, who violate or fail to comply with any order or regulation made thereunder, or who build in violation of any detailed statement of specifications or plans submitted and approved hereunder or any certificate or permit issued hereunder, shall severally for each and every such violation and noncompliance respectively, forfeit and pay a penalty in the sum of \$25.00. The imposition of one penalty for any violation of this article shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions as provided in section 18-61.

(33) Sec. 18-112. Electrical equipment; injuring or destroying prohibited.

No person shall willfully or carelessly break, injure, deface, interfere with or disturb any building, machinery, apparatus, insulator, transformer, fixture, attachment, appurtenance, electrolier, white-way pole, suspension light or light globe in the street-lighting system of the electric light plant or of the distribution system of the town. If any person does any of the acts herein prohibited, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as set out in section 1-103.

(34) Sec. 18-140. Penalty.

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

- (1) It is unlawful for any person to violate any provisions adopted in this article.
- (2) Every person convicted of a violation of any provision adopted in this article shall be punished as set out in section 1-103.

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. The Board of Trustees finds, determines and declares that this Ordinance is necessary for the immediate preservation of public health and safety in order to make this Ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assure that the purposes of this Ordinance are met. This Ordinance and the Springfield Municipal Code shall become immediately effective upon the adoption hereof.

This Ordinance shall be in full force and effect following adoption and approval by the Board of Trustees, thirty (30) days following its publication.

INTRODUCED, READ, AND PUBLIC NOTICE ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Springfield, Colorado, this 9th day of July, 2020.

Public Notice Publication Dates:

July 15, 2020

August 19, 2020

INTRODUCED A SECOND TIME at a regular meeting of the Board of Trustees of the Town of Springfield, Colorado held on August 13, 2020, PASSED, ADOPTED AND ORDERED PUBLISHED.

Town Attorney: Donald A. [Signature] MAYOR: [Signature]

ATTEST:

Town Clerk: [Signature]