

## **Nunn Municipal Code**

Posted January 23, 2010

[Nunn Municipal Code](#) (PDF 545 KB, 200 pages) - The code was last recodified in 2002, and there are a few amendments that have been adopted since that time. You must visit Town Hall to see those amendments. This PDF is a compilation of 14 Word documents obtained in October 2009 from Town Clerk Tori McMechan after multiple requests. Both the Town Clerk and former Town Attorney Brittany Scantland initially claimed the code did not exist in electronic format. When it was finally released, the Town Clerk warned that it may not be disseminated.

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**TITLE 1**  
**GENERAL PROVISIONS**

**Chapters:**

- 1.01** **CODE ADOPTION**
- 1.04** **GENERAL PROVISIONS**
- 1.06** **GENERAL PENALTY**

**Chapter 1.01**  
**CODE ADOPTION**

**Sections:**

- 1.01.010 Adoption.
- 1.01.020 Title – Citation – Reference.
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- 1.01.040 Title, Chapter, and Section Headings.
- 1.01.050 Reference to Specific Ordinances.
- 1.01.060 Effect of Code on Past Actions and Obligations.
- 1.01.070 Effective Date.
- 1.01.080 Constitutionality.

**1.01.010 Adoption.** Pursuant to the provisions of Colorado Revised Statutes, 31-16-201, et seq., there is adopted the “Nunn Municipal Code.” (Code, 2002)

**1.01.020 Title – Citation – Reference.** The Code shall be known as the “Nunn Municipal Code” and it shall be sufficient to refer to said Code as the “Nunn Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Nunn Municipal Code.” Further reference may be made to the titles, chapters, sections, and subsections of the “Nunn Municipal Code” and such references shall apply to that numbered title, chapter, section, or subsection as it appears in the Code. (Code, 2002)

**1.01.030 Reference Applies to All Amendments.** Whenever a reference is made to this Code as the “Nunn Municipal Code” or to any portion thereof, or to any ordinance of the Town of Nunn, Colorado, the reference shall apply to all amendments, corrections, and additions heretofore, now or hereafter made. (Code, 2002)

**1.01.040 Title, Chapter, and Section Headings.** Title, chapter, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, or section thereof. (Code, 2002)

**1.01.050 Reference to Specific Ordinances.** The provisions of this Code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code. (Code, 2002)

**1.01.060 Effect of Code on Past Actions and Obligations.** Neither the adoption of this Code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the Town of Nunn shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinances codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Code, 2002)

**1.01.070 Effective Date.** This Code shall become effective on the date the ordinance adopting this Code as the "Nunn Municipal Code" shall become effective. (Code, 2002)

**1.01.080 Constitutionality.** If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Town Board hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Code, 2002)

## **Chapter 1.04** **GENERAL PROVISIONS**

### **Sections:**

1.04.010 Definitions.

**1.04.010 Definitions.** The following words and phrase, whenever used in the ordinances of the Town of Nunn, State of Colorado, shall be construed as defined in this section the context in a difference meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

- A. "Capital improvement" means a public improvement of a permanent nature, and may include land and equipment necessary for the functioning of a building or other capital improvement. (Code, 2002)
- B. "Town" means the Town of Nunn, Colorado, or the area within the territorial limits of the Town of Nunn, Colorado, and such territory outside of the Town's boundaries over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision. (Code. 2002)
- C. "Board" means the Town Board of the Town of Nunn. "All its members" or "all Trustees" means the total number

of Trustees holding office. (Code, 2002)

D. "County" means the County of Weld. (Code, 2002)

E. "Law" denotes applicable federal law, the Constitution, and the statutes of the State of Colorado, the ordinances of the Town of Nunn, and, when appropriate, any and all rules and regulations which may be promulgated thereunder. (Code, 2002)

F. "Local improvement" means public improvement specially beneficial to the property affected, and also includes the abatement of such unsafe, unhealthful, or unsanitary conditions as the Board of Trustees shall determine to be a public nuisance. (Code. 2002)

G. "May" is permissive. (Code, 2002)

H. "Month" means a calendar month. (Code, 2002)

I. "Must" and "shall" are each mandatory. (Code. 2002)

J. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed." (Code, 2002)

K. "Office." The use of any title of any officer, employee, or any office, or ordinance means such officer, employee, office, or ordinance of the Town of Nunn, Colorado, unless otherwise specifically designated. (Code, 2002)

L. "Ordinance" means the law of the Town. (Code, 2002)

M. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land. (Code, 2002)

N. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, L.L.C., business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them. (Code, 2002)

O. "Personal property" includes money, goods, chattels, things in action and evidences of debt. (Code. 2002)

P. "Preceding" and "following" mean next before and next after, respectively. (Code, 2002)

Q. "Property" includes real and personal property. (Code, 2002)

R. "Public improvement" means improvements to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems, and any other real property or appurtenances thereof of the Town used by the public. (Code, 2002)

S. "Public utility" includes all common carriers in the public streets, water, sewage disposal, electrical light, central heating, gas, electric power, telephone and telegraph lines and systems, and such other and different enterprises as the law or the Board of Trustees may determine. (Code, 2002)

T. "Real property" includes lands, tenements, and hereditaments. (Code, 2002)

U. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians. (Code, 2002)

V. "State" means the State of Colorado. (Code, 2002)

W. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this Town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state. (Code, 2002)

X. "Tenant" and "occupant." applied to a building or land, includes any person who occupies the whole or any part of such building or land, whether alone or with others. (Code, 2002)

Y. "Written" includes printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in permanent visible form. (Code. 2002)

Z. "Year" means a calendar year. (Code, 2002)

## **Chapter 1.06** **GENERAL PENALTY**

### **Sections:**

- 1.06.010 Violation of Code Provisions – Penalty – Additional Remedies.
- 1.06.020 Violation – Penalty – Juvenile Offenders.
- 1.06.030 Violation – Penalty – Useful Public Service.

### **1.06.010 Violation of Code Provisions – Penalty – Additional Remedies.**

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, unless provision is otherwise herein made 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. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person, and shall be punished accordingly. (Code, 2002)

B. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this Town, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense. (Code, 2002)

**1.06.020 Violation -- Penalty -- Juvenile Offenders.** The violation of any section of this Municipal Code by any person not having attained the age of eighteen (18) years at the time of the commission of the violation shall be a



misdeemeanor, however, such conviction shall be punishable for a fine only, not exceeding one thousand dollars (\$1,000.00), unless a different fine is specifically set forth therein, and notwithstanding the application of imprisonment penalties which may otherwise be applicable to such offenses, if committed by a person eighteen (18) years of age or over as set forth in Section 1.06.010 or any specific penalty provision of a Municipal Ordinance or Code section. In the event that the juvenile court should assume jurisdiction over the juvenile person so charged pursuant to the provisions of the Colorado Children's Code, prior to final adjudication by the municipal court, then all jurisdiction in the matter shall vest with the juvenile court, and the municipal action shall be dismissed. (Code, 2002)

**1.06.030 Violation -- Penalty -- Useful Public Service.**

- A. A violator, upon conviction, may be sentenced to perform a certain number of hours of community or useful public service, not to exceed forty (40) hours, in addition to any other penalty provided in this chapter. If a person is convicted of more than one (1) violation, community or useful public service may be imposed on any or each and every violation; any community or useful public service penalties in excess of one arising out of multiple violations within one (1) case may run and be satisfied concurrently or consecutively, in the discretion of the Court. (Code, 2002)
- B. For the purposes of subsection A. of this section, "community or useful public service" means any work which is beneficial to the public, any public entity, or any bona fide non-profit private or public organization and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work. (Code, 2002)
- C. Any community or useful public service penalty imposed pursuant to this section shall be suitable to the age and abilities of the violator, and the amount of community or useful public service work ordered shall be reasonably related to the seriousness of the violation(s). (Code, 2002)
- D. The Court may assess a fee to cover the costs of the defendant participating in the useful public service program, upon every person required to perform community or useful public service pursuant to this section. The Court may waive all or a portion of this fee if the Court determines the violator to be indigent. (Code, 2002)

**TITLE 2**  
**ADMINISTRATION AND PERSONNEL**

**Chapters:**

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| <b><u>2.04</u></b> | <b><u>MAYOR AND BOARD OF TRUSTEES</u></b> |
| <b><u>2.08</u></b> | <b><u>TOWN OFFICERS GENERALLY</u></b>     |
| <b><u>2.12</u></b> | <b><u>TOWN CLERK</u></b>                  |
| <b><u>2.16</u></b> | <b><u>TOWN ATTORNEY</u></b>               |
| <b><u>2.20</u></b> | <b><u>POLICE DEPARTMENT</u></b>           |
| <b><u>2.24</u></b> | <b><u>TOWN TREASURER</u></b>              |
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| <b><u>2.28</u></b> | <b><u>PUBLIC WORKS SUPERINTENDENT</u></b> |
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| <b><u>2.36</u></b> | <b><u>MUNICIPAL COURT</u></b>             |
| <b><u>2.40</u></b> | <b><u>PLANNING COMMISSION</u></b>         |
| <b><u>2.44</u></b> | <b><u>CODE OF CONDUCT</u></b>             |

**Chapter 2.04**  
**MAYOR AND BOARD OF TRUSTEES**

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| 2.04.040 | Terms of Election – Board of Trustees.      |
| 2.04.050 | Terms of Office – Board of Trustees – 1.    |
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**2.04.010 Adoption of Municipal Election Code.** The Municipal Election Code as set forth in Title 31. Article 10, Colorado Revised Statutes, as amended, is hereby adopted by reference as the election code for the Town of Nunn. (Ord. 210, 1998)

**2.04.020 Write-in Candidate Affidavit.** No write-in vote for any municipal office shall be counted unless an affidavit of intent is filed by the person intending to be a write-in candidate. The affidavit shall indicate the name of the person who will be the write-in candidate, the office for which such person is a candidate, and a statement that the person is qualified to assume the duties of the office if elected. Such affidavit shall be filed with the Town Clerk at least twenty (20) days prior to the date of election. (Ord. 211, 1998)

**2.04.030 Circumstances for Cancellation of Election.** If the only matter before the voters is the election of persons to office, and if at the close of business on the 19th day before the election, there are not more candidates than offices to be filled at such election including candidates who have filed affidavits of intent, the Clerk, if instructed by resolution of the governing body either before or after such date shall cancel the election and by resolution declare the candidates elected. Notice of cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one other public place. (Ord. 211, 1998)

**2.04.040 Terms of Election -- Board of Trustees.** Commencing with the municipal election of 1976, three (3) trustees shall be elected for two-year terms of office and three (3) trustees shall be elected for four-year terms of office. (Ord. 127, 1975)

**2.04.050 Terms of Office -- Board of Trustees -- 1.** At the municipal election of 1976, the three (3) candidates for trustee receiving the greatest number of votes shall be elected to four-year terms and the three (3) candidates receiving the next greatest number of votes shall be elected to two-year terms. (Ord. 127, 1975)

**2.04.060 Terms of Office -- Board of Trustees -- 2.** Commencing with the municipal election of 1978 and all subsequent municipal elections, three (3) trustees shall be elected to four- year terms of office. (Ord. 127, 1975)

**2.04.070 Terms of Office -- Mayor.** Commencing with the municipal election of 1978 and every fourth year thereafter, the mayor of the Town of Nunn, Colorado, shall be elected to a four-year term of office. (Ord. 127, 1975)

**2.04.080 Regular Meetings.** The regular meetings of the Board of Trustees of the Town of Nunn shall be held on the first Thursday evening of each month at 7:30 p.m., commencing October 7, 1999. (Ord. 213, 1999)

**2.04.090 Special Meetings.** The mayor or any three (3) members of the Board of Trustees may call special meetings by written notice to each of the members of the Board personally served or left at his or her usual place of residence. (Code, 2002)

**2.04.100 Compensation.**

A. Pursuant to Section 31-4-109, C.R.S., the mayor shall receive for his services the sum of two hundred dollars (\$200.00) each month. (Code, 2002)

B. Pursuant to Section 31-4-109, C.R.S., each member of the Board of Trustees shall receive twenty-five dollars (\$25.00) for each regular meeting, special meeting, and work session of the Board of Trustees attended by the Trustee. (Code, 2002)

C. Compensation established by this section shall apply to the mayor and trustees elected at the regular town election in 2002. (Code, 2002)

**2.04.111 Order of Business.** The order of business of a Board of Trustees meeting shall be as follows:

A. Call to Order. The mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Board of Trustees to order. The mayor or temporary chairperson shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Roberts' Rules of Order unless otherwise provided by ordinance. (Code, 2002)

B. Roll Call. Before proceeding with the business of the Board of Trustees, the Town Clerk or his or her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. (Code, 2002)

C. Approval of Agenda. The Board shall approve the agenda as submitted by the Town Clerk unless addition, deletion, or other changes are proposed and approved by the Board. (Code, 2002)

D. Reading the Minutes. Unless a reading of the minutes of a Board of Trustees meeting is requested by a member of the Board of Trustees, the minutes of the preceding meeting, which have been furnished by the Town Clerk to each Trustee, shall be considered correct if approved and errors rectified if any exist. (Code, 2002)

E. Public Participation. Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the Board of Trustees. All such remarks shall be addressed to the Board of Trustees as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officer. No person other than the individual speaking shall enter into the discussion without permission of the presiding officer. (Code, 2002)

F. Old Business. The Board of Trustees shall consider any business that has been previously considered and which is still unfinished. (Code, 2002)

G. New Business. The Board of Trustees shall consider any business not heretofore considered at a regular or special Board of Trustees meeting. (Code, 2002)

H. Consent Agenda. The consent agenda is designed to expedite the handling of routine matters by the Board. Any member may request that an item be removed from the consent agenda. All items may be approved by a single vote of the Board. (Code, 2002)

I. Employee Reports. Town employees shall present such reports as need be presented to the Board of Trustees. (Code, 2002)

J. Reports by Officers. Town officials and/or committees shall present such reports as need to be presented to the Board of Trustees. (Code, 2002)

K. Other Remarks. The Board of Trustees shall consider other matters that may need to be discussed. (Code, 2002)

L. Adjournment. The Board of Trustees may, by a majority vote of those present, adjourn. A motion to adjourn shall always be in order and decided without debate. (Code, 2002)

**2.04.113 Ordinances -- Introduction and Passage.** All ordinances or resolutions in the nature of ordinances shall be introduced to the Board in writing by a member of the Board. All ordinances shall be read in their entirety. Ordinances may be acted upon immediately, unless the Board, by majority vote or motion, shall refer the ordinance to a Town official or committee of the Board for study and recommendation. To pass any ordinance there must be no less than four (4) affirmative votes. (Code, 2002)

**2.04.114 Ordinances – Voting.** Each member present shall vote upon the passage of any ordinance or resolution. The yeas and nays shall be called and recorded. (Code, 2002)

**2.04.115 Ordinances – Recording – Publication.** All ordinances, as soon as practicable after passage, shall be authenticated by the signatures of the presiding officer and the Town Clerk and shall be entered in a book kept for that purpose. Such ordinance shall then be posted in those places designated by the Board for posting. (Code, 2002)

**2.04.116 Ordinances – Effect of Repeal.** No suit, proceeding, right, fine, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged by such repeal or modification. (Code, 2002)

**2.04.117 Committees.**

- A. All committees shall be appointed by the mayor. (Code, 2002)
- B. The following standing committees shall be appointed bi-annually and shall consist of three (3) members each:
  - 1. Finance and budget;
  - 2. Parks and cemetery;
  - 3. Library, health, and welfare;
  - 4. Water and sewer;
  - 5. Street and alley;
  - 6. Code enforcement and fire.

(Code, 2002)

- C. Other committees shall be appointed by the mayor or mayor pro tempore as the need arises. (Code, 2002)

**Chapter 2.08**  
**TOWN OFFICERS GENERALLY**

**Sections:**

- 2.08.010 Appointment.
- 2.08.020 Term of Office.
- 2.08.030 Filling of Vacancies.
- 2.08.040 Removal from Office – Grounds.

- 2.08.050 Removal from Office – Notice.
- 2.08.060 Removal from Office – Hearing.
- 2.08.070 Removal from Office – Decision.

**2.08.010 Appointment.** All appointments by the Board shall be by ballot and a majority of the whole number of members elected to the Board shall be necessary to an appointment. The names of those who voted and the vote each candidate received upon the vote resulting in an appointment shall be recorded. (Code, 2002)

**2.08.020 Term of Office.**

A. At its first regular meeting held after the biennial municipal election, the Board shall proceed to appoint persons to perform the following offices:

- 1. Town Clerk;
- 2. Town Attorney;
- 3. Municipal Judge;
- 4. Town Treasurer.

(Code, 2002)

B. All persons appointed by the Board shall hold their respective offices for the period of two (2) years, unless they earlier resign or are removed for cause, and until their successors are duly appointed and qualified. (Code, 2002)

**2.08.030 Filling of Vacancies.** Should any of the offices listed in Section 2.08.020 of this chapter become vacant from any cause prior to the expiration of the term of the previous appointee, the Board shall proceed immediately to fill such office. (Code, 2002)

**2.08.040 Removal from Office -- Grounds.** Any town officer appointed by the Board who is incompetent or who is guilty of any willful violation of any of his /her official duties, may be removed from office, during his/her term of office, by a vote of a majority of all members elected to the Board. (Code, 2002).

**2.08.050 Removal from Office -- Notice.** All charges preferred against any appointive officer shall be made in writing and shall clearly specify the cause or causes for removal. A copy of such charges, together with a notice of the time and place of hearing, shall be served upon the accused at least five (5) days prior to the date set for the hearing. (Code, 2002)

**2.08.060 Removal from Office -- Hearing.** At the time and place set for the hearing, the Board shall meet and proceed according to its rules to hear the evidence against the accused, as well as the evidence offered in his/her behalf, adjourning from time to time as may be necessary. until all of the evidence has been heard. At the hearing, the accused may be heard by himself/herself or through counsel. (Code, 2002)

**2.08.070 Removal from Office -- Decision.** Within three (3) days of the conclusion of all the evidence, the Board shall vote by ayes and nays upon each charge. If four (4) members of the Board find the accused guilty of any of the charges, they shall resolve that the accused be removed from office, and his/her office is declared vacant. (Code, 2002)

## **Chapter 2.12** **TOWN CLERK**

### **Sections:**

- 2.12.010 Duties.
- 2.12.020 Oath – Bond.
- 2.13.030 Compensation.

**2.12.010 Duties.** The Town Clerk shall have custody of the town seal as well as all ordinances and laws of the town. He/she shall keep a correct journal of all proceedings of the Board and shall record all resolutions, by-laws, and ordinances passed by the Board in a separate book to be kept for that purpose, have the same duly published, and preserve proof of publication. He/she shall keep on file in a place provided by the Board, all papers, books, contracts, bills, claims, correspondence and records of every description belonging to the Town and shall not allow the same to be removed from his/her office without the written consent of the mayor. He/she shall be responsible for handling all administrative and clerical duties associated with the operation of the town government as well as such further duties as are assigned to him/her by the Board. (Code, 2002)

**2.12.020 Oath -- Bond.** Prior to entering upon his/her duties as Town Clerk, the person so appointed shall take and subscribe an oath of office and shall execute to the Town a bond in the sum of five thousand dollars (\$5,000.00). (Code, 2002)

**2.12.030 Compensation.** The Town Clerk shall receive as compensation for his or her services as Town Clerk a salary in an amount to be fixed by decision of the Board. (Code, 2002)

## **Chapter 2.16** **TOWN ATTORNEY**

### **Sections:**

- 2.16.010 Duties.
- 2.16.020 Oath – Bond.
- 2.16.030 Compensation.

**2.16.010 Duties.** The Town Attorney shall be the general legal advisor of the Board and all Town officers in all matters arising out of any question concerning the ordinances, resolutions and contracts of the Town, and in all matters pertaining to the Town business. He/she shall appear for the Town in all actions and suits in which the Town is a party and prosecute or defend as the occasion demands. He/she is authorized and empowered to make any and all necessary affidavits and execute all bonds and other instruments in writing, necessary to the proper conduct of any suit or proceeding in which the Town is a party, and to take and prosecute appeals in all cases in which, in his/her opinion, the interests of the Town of the Town demand such action. (Code, 2002)

**2.16.020 Oath -- Bond.** Prior to entering upon his/her duties as Town Attorney, the person so appointed shall take and subscribe an oath of office but shall not be required to execute any bond for the faithful performance of his/her

duties. (Code, 2002)

**2.16.030 Compensation.** The Town Attorney shall receive as compensation for his/her services as Town Attorney a salary in an amount to be fixed by decision of the Board. (Code, 2002)

**Chapter 2.20**  
**POLICE DEPARTMENT**  
**(reserved)**

**Chapter 2.24**  
**TOWN TREASURER**

**Sections:**

- 2.24.010 Duties.
- 2.24.020 Preparation of Reports and Statements.
- 2.24.030 Oath – Bond.
- 2.24.040 Compensation.

**2.24.010 Duties.** The Town Treasurer shall be the general financial officer of the Town and shall supervise the preparation of all necessary financial reports, financial statements and books and accounts. (Code, 2002)

**2.24.020 Preparation of Reports and Statements.** Whenever by state statute the Town Treasurer is required to prepare financial reports and financial statements, the Town Treasurer may delegate the responsibility for preparing such reports and statements to the Town Clerk or the Town Auditor; provided, however, that such reports must be approved by the Treasurer, such approval to be evidenced by the Treasurer's signature on the report or statement. (Code, 2002)

**2.24.030 Oath -- Bond.** Prior to entering upon his/her duties as Town Treasurer, the person so appointed shall take and subscribe an oath of office and shall execute to the Town a bond in the sum of five thousand dollars (\$5,000.00). (Code, 2002)

**2.24.040 Compensation.** The Town Treasurer shall receive as compensation for his/her services a salary in an amount to be fixed by decision by the Board. (Code, 2002)

**Chapter 2.26**  
**TOWN ADMINISTRATOR**  
**(reserved)**

**Chapter 2.28**



**PUBLIC WORKS SUPERINTENDENT****Sections:**

- 2.28.010 Duties.
- 2.28.020 Oath – Bond.
- 2.28.030 Compensation.

**2.28.010 Duties.** The Public Works Superintendent shall personally supervise the establishment, construction, installation, alteration, improvement, repair, removal, or demolition of any of the public works of the Town specifically including, but not limited to, the street and water systems of the Town, the Town Cemetery, and any and all buildings owned by the Town. The Public Works Superintendent and his/her deputies shall keep all the public works of the Town in good order and repair and shall perform such other duties as may be prescribed elsewhere in the Code. (Code, 2002)

**2.28.020 Oath -- Bond.** The Public Works Superintendent shall not be required to take any oath of office nor to give bond for the faithful performance of his /her duties nor shall any oath or bond be required of his deputies. (Code, 2002)

**2.28.030 Compensation.** The Public Works Superintendent and his/her deputies shall receive as compensation for their services salaries in an amount to be fixed by decision of the Board. (Code, 2002)

**Chapter 2.32**  
**TOWN ENGINEER**  
**(reserved)**

**Chapter 2.36**  
**MUNICIPAL COURT**

**Sections:**

- 2.36.010 Definitions.
- 2.36.020 Municipal Court Established.
  - 2.36.030 Municipal Judge – Authority Generally – Term – Assessment of Court Costs – Surcharge.
  - 2.36.040 Municipal Judge Oath – Bond.
  - 2.36.050 Municipal Judge Compensation.
  - 2.36.060 Clerk of the Municipal Court.
  - 2.36.070 Jury Trial – Demand.
  - 2.36.080 Jury Qualifications.
  - 2.36.090 Jury Commissioner.
  - 2.36.100 Jury Panel.
  - 2.36.110 Summoning of Jurors.

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| 2.36.120 | Failure of Juror to Appear – Penalty.        |
| 2.36.130 | Drawing of Jurors for Particular Case.       |
| 2.36.140 | Challenging of Jurors Generally.             |
| 2.36.150 | Challenging of Jurors Peremptory Challenges. |
| 2.36.160 | Instructions to Jury.                        |
| 2.36.170 | Pleas of Guilty.                             |
| 2.36.180 | Judgment of Acquittal.                       |
| 2.36.190 | Costs and Fees.                              |
| 2.36.200 | Verdict – Sentence.                          |
| 2.36.210 | Suspended Sentence.                          |

**2.36.010 Definitions.** As used in this Chapter, the following terms shall have the following meanings.

A. **Municipal Court.** The term "municipal court" shall mean a "qualified municipal court of record" as defined under C.R.S. 13-10-102(3). (Code, 2002)

B. **Municipal Judge.** The term "municipal judge" shall mean the judge appointed by the Town Board to preside over Municipal Court. (Ord. 216, 1999)

**2.36.020 Municipal Court Established.** There is hereby established a municipal court for the Town of Nunn.

A municipal court shall hear and try all alleged violations of the Town of Nunn. The Municipal Court is hereby created and established as a qualified municipal court of record as defined in C.R.S. 13-10-102(3). The court shall hold its sessions at Town Hall on a certain day each month as needed to commence at a certain hour as established by the Municipal Judge with the approval of the Town Board. The Municipal Judge may also order the convening of special sessions to accommodate jury trials and other matters that cannot be accommodated during regular monthly court sessions. (Ord. 216, 1999; Code, 2002)

**2.36.030 Municipal Judge – Term – Authority Generally – Assessment of Court Costs – Surcharge.**

A. The Municipal Court shall be presided over by a municipal judge who shall be appointed by the Town Board for a specified term which shall expire on the date of the succeeding municipal election. The municipal judge may be removed during his/her term of office only for cause as specified in C.R.S. 13-10-105. (Code, 2002)

B. The Municipal Judge, or the person appointed to temporarily act as Municipal Judge, shall have and is given the authority to impose fines and costs, suspend the collection or execution of any fine, sentence, or penalty imposed upon any person found guilty of a violation of a municipal ordinance, and is given the further power to revoke and terminate any such suspended fine, sentence, or penalty and execution of the same as though it had never been suspended. (Code. 2002)

C. The Municipal Judge, or the person appointed to temporarily act as Municipal Judge, shall have and is given the power and authority to assess and shall assess Twenty Dollars (\$20.00) as court costs for each case filed where the defendant is found guilty and/or the defendant pleads guilty. (Code, 2002)

D. **Surcharge on Municipal Fine.** After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town of Nunn, Colorado, the Municipal Judge shall add thereto a surcharge in the amount of Twenty Dollars (\$20.00), but under no circumstances shall the total fine assessed including the surcharge exceed

One Thousand Dollars (\$1,000.00). All proceeds generated by the surcharge on fines shall be paid into a special revenue account for the Town of Nunn, Colorado, to be used solely for the purposes of code enforcement. (Ord. 216, 1999)

**2.36.040 Municipal Judge -- Oath -- Bond.** Prior to entering upon his/her duties as Municipal Court Judge, the person so appointed shall take and subscribe an oath of office. (Ord. 216, 1999)

**2.36.050 Municipal Judge -- Compensation.** The Municipal Judge shall receive as compensation for his/her services an amount as determined by the Town Board. (Ord. 216, 1999)

**2.36.060 Clerk of the Municipal Court.** The Town Clerk shall perform the functions of Court Clerk, and shall be bonded in the amount of at least Two Thousand Dollars (\$2,000.00). The Town Clerk shall receive no additional compensation for performing the functions of Court Clerk. (Ord. 216, 1999)

**2.36.070 Jury Trial – Demand.**

A. In all trials in the Municipal Court in cases arising from an alleged violation of an ordinance of the Town, other than traffic infractions, and if a jail penalty may be imposed, a defendant shall have the right to a trial by jury and such defendant may demand a jury which shall consist of three (3) jurors, unless a greater number not to exceed six (6) is requested by the defendant. (Code, 2002)

B. A defendant waives his/her right to a jury trial unless within ten (10) days after arraignment or entry of a plea, he/she files with the court a jury demand and at the same time tenders to the Court a jury fee of Twenty-Five Dollars (\$25.00), unless the fee is waived by the Municipal Judge because of the indigence of the defendant. (Ord. 216, 1999; Code, 2002)

**2.36.080 Jury Qualifications.**

A. All residents of this Town of the age of at least eighteen (18) years who meet the qualifications set forth in C.R.S. 13-71-109 shall be competent to serve as jurors in the Municipal Court. (Code, 2002)

B. The Municipal Judge shall have the right, upon good cause being shown, to exempt or excuse any prospective juror from services. (Ord. 216, 1999)

**2.36.090 Jury Commissioner.** The Jury Commissioner of the Municipal Court shall be the Town Clerk and he/she shall serve for the same terms as his/her appointment as Town Clerk without additional compensation. (Ord. 216, 1999)

**2.36.100 Jury Panel.** On or before the first day of December of each year, the Jury Commissioner shall prepare a list of persons whom he/she believes may be qualified to serve as jurors. (Ord. 216, 1999)

**2.36.110 Summoning of Jurors.** The Municipal Judge shall, when a jury is needed, issue a venire to summon the number of jurors the Judge shall deem necessary for the trial of the case from among the names on the jury panel. The venire shall be in substantially the following form:

STATE OF COLORADO     )  
                                  ) ss.  
COUNTY OF WELD        )

## THE PEOPLE OF THE TOWN OF NUNN, WELD COUNTY, COLORADO

To: \_\_\_\_\_

## GREETINGS:

You are hereby commanded to summon \_\_\_\_\_ persons of the Town of Nunn, State of Colorado, to appear before me at \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, who are not of kin to \_\_\_\_\_, Defendant, to make a jury between the Town of Nunn, Colorado, and the said Defendant \_\_\_\_\_, in a plea of not guilty to the charge of the violation of the Municipal Ordinance of the said Town of Nunn, and have you then and there the names of the jury and this writ.

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Municipal Judge

**2.36.120 Failure of Juror to Appear -- Penalty.** If any person who is lawfully summoned to appear before the Municipal Court as a juror fails, neglects, or refuses to appear as required, without reasonable excuse, he/she is deemed guilty of contempt and fined or imprisoned as the Court may direct. (Ord. 216, 1999)

**2.36.130 Drawing of Jurors for Particular Case.** The bailiff of the Municipal Court, who shall be appointed by the Municipal Judge shall, when requested, draw from a box containing the names of the persons summoned three (3) names of persons to serve on the jury, or a greater number not to exceed six (6), if the defendant has demanded a larger number, and if any of the original persons selected are challenged and excused by the Municipal Judge, then, and in that event, the bailiff shall draw an additional name and shall continue to do so until a jury is selected. (Ord. 216,1999)

**2.36.140 Challenging of Jurors -- Generally.** The Municipal Judge shall pass on all challenges and objections to jurors, and the Municipal Judge shall have the power to rule on all questions of evidence and the admissibility thereof. (Ord. 216, 1999)

**2.36.150 Challenging of Jurors -- Peremptory Challenges.** In all cases arising under the Municipal Code of the Town, wherein a jury trial is had, the Town and the defendant shall be entitled to three peremptory challenges. (Ord. 216, 1999)

**2.36.160 Instructions to Jury.** At the conclusion of all the evidence, and before arguments of counsel, the Municipal Judge shall read to the jury the provisions of the municipal ordinance alleged to have been violated by the defendant and shall orally instruct the jury as to any points of law that the Municipal Judge believes to be pertinent to the issues to be determined by the jury. Counsel for either of the parties may submit written instructions to the Municipal Judge and if he/she believes the proposed instructions to be proper, he/she shall read the same to the jury. (Ord. 216, 1999)

**2.36.170 Pleas of Guilty.** If any person accused of violating any of the provisions of an Ordinance of the Town having

right to trial by jury shall confess himself/herself guilty, the Municipal Judge, without a jury trial, shall hear the evidence and fix and determine the sentence, penalty, or punishment and enter judgment and execution thereon. (Ord. 216, 1999)

**2.36.180 Judgment of Acquittal.** The Municipal Judge shall have the power to enter a judgment of acquittal in favor of the defendant when the evidence presented is insufficient to sustain the guilt of the defendant. (Ord. 216, 1999)

**2.36.190 Costs and Fees.** Jurors shall be paid the sum of Six Dollars (\$6.00) per day for actual jury service and Three Dollars (\$3.00) for each day service on the jury panel alone. (Ord. 216, 1999)

**2.36.200 Verdict -- Sentence.** Upon the jury's returning a verdict of guilty, the Municipal Judge shall record the same in the docket and shall proceed to fix or determine the punishment, penalty, or sentence, and to render judgment upon such verdict for the punishment, penalty, or sentence, so determined by him/her and for costs; but if the jury returns a verdict of not guilty, the Municipal Judge shall record the same and discharge the defendant or defendants without costs. (Ord. 216, 1999)

**2.36.210 Suspended Sentence.** The Municipal Judge shall have the power to suspend all or any part of the sentence, whether it is fine or imprisonment, upon such conditions believed to be proper by the Court under the circumstances. The Court shall have the power to retain jurisdiction over the defendant for a period of up to twelve (12) months after the sentence suspension. The Court shall have the power to revoke any suspended sentence within the twelve-month period mentioned in this section. (Ord. 216, 1999)

## **Chapter 2.40** **PLANNING COMMISSION**

### **Sections:**

2.40.010 Membership.

**2.40.010 Membership.** The Board of Trustees shall assume and exercise any power granted to or duty placed upon the Municipal Planning Commission and the Municipal Zoning Commission, and the Board of Trustees shall designate at each meeting the Planning Commission business for approval, findings, determinations, or resolution. (Ord. 164, 1992)

## **Chapter 2.44** **CODE OF CONDUCT**

### **Sections:**

2.44.010 Title.

2.44.020 Declaration of Policy.

2.44.030 Definitions.

2.44.040 Prohibited Conduct.

2.44.050 Exemptions – Town Employee.

- 2.44.060 Prohibited Conduct – Town Officer.
- 2.44.070 Exemptions – Town Officer.
- 2.44.080 Conflict of Interest in Board Action.
  - 2.44.090 Conflict of Interest in Planning Commission or Board of Adjustment Action.
  - 2.44.100 When Trustee or Member of Planning Commission or Board of Adjustment with Conflict of Interest May Vote.
- 2.44.110 Mandatory Disclosure to Secretary of State.
- 2.44.120 Public Contracts.
- 2.44.130 Enforcement.
- 2.44.140 Penalties and Remedies.
- 2.44.150 Distribution of Code of Conduct.

**2.44.010 Title.** This Ordinance shall be known and may be cited as the “Town of Nunn Code of Conduct.” (Ord. 188, 1997)

**2.44.020 Declaration of Policy.** The proper operation of democratic government requires that the public officers and employees be independent, impartial, and responsible to the people; that government decisions and policy be made within the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Conduct for all Town officers and employees is adopted. The purpose of this Code is to establish guidelines for ethical standards of conduct for all such officers and employees by setting forth those acts or actions that are incompatible with the best interest of the Town, and by directing disclosure by such officers and employees of private financial or other interests in matters affecting the Town. (Ord. 188, 1997)

**2.44.030 Definitions.** As used in this Code, unless the context otherwise requires:

- A. **Business.** Any corporation, limited liability corporation, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on as a business, whether or not operated for profit. (Code, 2002)
- B. **Confidential Information.** All information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public knowledge. (Code, 2002)
- C. **Conflict of Interest.** A circumstance where the taking of any official action by a Town officer would:
  1. Substantially affect to its economic benefit a business or other undertaking in which such officer has a substantial financial interest; (Code, 2002)
  2. Substantially affect a business or other undertaking by whom the officer is employed, or by whom such officer is engaged as consultant, representative, or agent; (Code, 2002)
  3. Substantially affect to its economic detriment any business or other undertaking when such officer has a substantial financial interest in a competing business or undertaking; or (Code, 2002)
  4. Give rise to the appearance of impropriety on the part of such officer. (Code, 2002)

An officer shall not be deemed to have a conflict of interest with respect to matters determined by the Board to involve the common public interest, such as matters concerned with the adoption of general land use regulations, the formation

of special or local improvement districts within which the officer owns real property, the imposition of taxes, the authorization of bond and similar actions involving the common public interest. (Code, 2002)

D. Board of Town Board. The Board of Trustees of the Town of Nunn. (Code, 2002)

E. Trustee. A member of the Board of Trustees of the Town of Nunn. (Code, 2002)

F. Employee. Any person employed in the service of the Town, including, without limitation, the Town Public Works Superintendent. The term "Town Employee" shall also include those independent contractors who provide contract services to the Town, whose contract with the Town subjects them to the provisions of this Code of Conduct. (Code, 2002)

G. Officer or Town Officer. The Town Trustees, Mayor, members of the Board of Adjustment, Town Clerk, Town Attorney, and other Town officers appointed under C.R.S. 31-4-304. (Code, 2002)

H. Official Act or Official Action. Any vote, decision, recommendation, approval, or disapproval, or other action, including inaction, which involves the use of discretionary authority. (Code, 2002)

I. Substantial Financial Interest. An interest owned or held by a Town officer or Town employee which is:

1. An ownership interest in a business; (Code, 2002)

2. A creditor interest in a business; (Code, 2002)

3. An ownership interest in real or personal property; (Code, 2002)

4. A loan or any other debtor interest; (Code, 2002)

5. A directorship or officership in a business; (Code, 2002)

6. An employment or a prospective employment for which negotiations have begun. (Code, 2002)

An officer or Town employee shall be presumed to have a substantial financial interest in any of the above mentioned interest owned, held, or controlled by such officer's or employee's spouse or dependent children. (Code, 2002)

J. Town Contractor. A person or business under contract to perform work for the Town; a person or business who has submitted a bid to do work for the Town, which bid is still pending; and any person or business who has performed work for the Town within the preceding twelve (12) months. (Code, 2002)

K. Undertaking. Any activity conducted primarily for the purpose of making a profit, including, without limitation, any activity which substantially advances a person's private financial interest or position. (Ord. 188, 1997)

**2.44.040 Prohibited Conduct -- Town Employee.** A Town employee shall not:

A. Disclose confidential communications with the Town Attorney. Communications between any Town officer or employee and the Town Attorney, other than during public meetings, is privileged and confidential. The policy underlying the attorney/client privilege is to ensure candid and open discussion with the legal advisor without fear of disclosure. The attorney/client privilege of confidentiality as to such communications can only be waived by a majority vote of the Board of Trustees. (Code, 2002)

B. Communicate or cooperate with parties in litigation with or asserting a present or potential claim against the Town. No Trustee or other Town officer shall communicate, either directly or indirectly, with a party involved in litigation or other claims against the Town, or such party's attorney, agent, or other representative, as to the subject matter of such litigation or claim, on matters related to or bearing on such litigation or claim, without prior consultation with the Town Attorney and authorization by the Town Board. (Code, 2002)

C. Disclose or use confidential information acquired in the course of such employee's duties in order to further a business or other undertaking in which such employee has a substantial financial interest. (Code, 2002)

D. Disclose any confidential information acquired in the course of such employee's duties to any person under circumstances where the employee knows, or reasonably should know, that the person to whom such confidential information is disclosed will use the confidential information in order to further a private business or undertaking. (Code, 2002)

E. Engage in a substantial financial transaction for the employee's private business purposes with a person whom such employee inspects or supervises in the course of his or her employment with the Town. (Code, 2002)

F. Perform an official act which directly and substantially affects to its economic benefit a business or other undertaking in which such employee has a substantial financial interest. (Code, 2002)

G. Acquire or hold an interest in any business or undertaking which such employee has reason to believe may be directly and substantially affected to its economic benefit by official action taken by the agency over which he or she has substantive authority. (Code, 2002)

H. Perform an official act directly and substantially affecting to its economic detriment any business or undertaking when such employee has a substantial financial interest in a competing business or undertaking. (Code, 2002)

I. Solicit or accept a present or future gift, favor, loan, service, or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, loan, service, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such employee in connection with an official act. or as a reward for official action he or she has previously taken. (Code, 2002)

J. Perform any official act under circumstances which give rise to an appearance of impropriety on the part of the employee. (Code, 2002)



K. Seek or accept election, nomination, or appointment to the governing board of any unit of local government operating in Weld County, Colorado, whose boundaries overlap with the boundaries of the Town. (Ord. 188, 1997)

**2.44.050 Exemptions – Town Employee.** The provisions of Section 4 shall not prohibit a Town employee from:

A. Accepting or receiving a benefit as an indirect consequence of the performance of an official act. (Ord. 188, 1997)

B. Appearing before the Town Board, Planning Commission, or any Town Board in the course of the performance of such employee's duties for the Town. (Ord. 188, 1997)

C. Appearing before the Town Board, Planning Commission, or any Town Board, in connection with planning/development matters pertaining to such employee's primary residence. (Ord. 188, 1997)

D. Appearing in Municipal Court on such employee's own behalf, or on behalf of such employee's spouse or minor child. (Ord. 188, 1997)

E. Appear with respect to any matter of public concern before the Town Board, Planning Commission, or any Town Board in such employee's capacity as a citizen, and neither in such person's capacity as an employee, nor as counsel, consultant, representative, or agent for any person, business, or undertaking. (Ord. 188, 1997)

F. Accepting gifts or loans which are:

1. An occasional non-pecuniary gift insignificant in value; (Ord. 188, 1997)

2. A non-pecuniary award publicly presented by a non-profit organization in recognition of public service. (Ord. 188, 1997)

3. Payment of, or reimbursement for, travel and subsistence for attendance at a convention or other meeting at which such employee is scheduled to participate as a speaker or other contributor in his or her capacity as a Town employee if the paying or reimbursing party has no current or anticipated business with the Town. If the employee is paid by the Town while attending such convention. or meeting, any honorarium or other monetary compensation received by the employee in connection with such convention or meeting shall be turned over to the Town; (Ord. 188, 1997)

4. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such Town employee which is not extraordinary when viewed in light of the position held by such employee; (Ord. 188, 1997)

5. Items of perishable or non-permanent value including, but not limited to, meals and tickets to sporting, recreational, educational, or cultural events. (Ord. 188, 1997)

G. Receiving such compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget, or other similar official action. (Ord. 188, 1997)

**2.44.060 Prohibited Conduct – Town Officer.** A Town officer shall not:

- A. Disclose discussions on matters discussed in executive session. Public disclosure of Discussions held in executive session constitutes official misconduct and is grounds for removal of a Trustee from office. (Ord. 188, 1997)
- B. Disclose confidential communication with the Town Attorney. Communications between any Town officer or employee and the Town Attorney, other than during public meetings, is privileged and confidential. The policy underlying the attorney/client privilege is to ensure candid and open discussion with the legal advisor without fear of disclosure. The attorney/client privilege of confidentiality as to such communications can only be waived by a majority vote of the Board as a whole. (Ord. 188, 1997)
- C. Make unauthorized individual inquiries or contacts with Town contractors. An individual Trustee should not contact the Town's accountants, attorney, or other parties in a contractual relationship with the Town unless authorized by the Board to do so. To keep expenses to the Town to a minimum, request for action or information from such contractors shall be channeled through the Mayor or the Town Clerk. (Ord. 188, 1997)
- D. Communicate or cooperate with parties in litigation with, or asserting a present or potential claim against, the Town. No Trustee or other Town officer shall communicate, either directly or indirectly, with a party involved in litigation or other claims against the Town, or such party's attorney, agent, or other representative, as to the subject matter of such litigation or claim, on matters related to or bearing on such litigation or claim, without prior consultation with the Town Attorney and authorization by the Town Board. (Ord. 188, 1997)
- E. Disclose or use confidential information acquired in the course of such officer's duties in order to further a business or other undertaking in which such officer has substantial financial interest. (Ord. 188, 1997)
- F. Disclose any confidential information acquired in the course of such officer's duties to any person under circumstances where the officer knows, or reasonably should know, that the person to whom such confidential information is disclosed will use the confidential information in order to further a private business or undertaking. (Ord. 188, 1997)
- G. Solicit or accept a present or future gift, favor, loan, service, or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, loan, service, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such officer in connection with an official act, or as a reward for official action he or she has previously taken. (Ord. 188, 1997)
- H. Make or accept any ex parte communication or contact concerning a quasi-judicial matter which is to be determined after a public hearing without making the contents of such communication or contact a part of the record of such public hearing. The provisions of this subsection shall not apply to legislative matters to be considered by an officer. (Ord. 188, 1997)
- I. Appear, except as authorized in Section 7, with respect to any matter before the Town Board, Planning Commission, or Board of Adjustment. (Ord. 188, 1997)
- J. Neglect the official duties of such Town officer. Failure to regularly attend Town Board meetings shall be cause for removal from office. (Ord. 188, 1997)
- K. Violate the fiduciary duty to act in the best interest of the Town. (Ord. 188, 1997)

**2.44.070 Exemptions – Town Officer.** The provisions of Section 6 shall not prohibit a Town officer from:

A. Accepting or receiving a benefit as an indirect consequence of the performance of an official act. (Ord. 188, 1997)

B. Taking official action or speaking at a public meeting when such officer is similarly situated with other Town residents, such as in connection with the adoption of general use regulations, the formation of special or local improvement districts within which the officer owns real property, the imposition of taxes, the authorization of bonds, or generally acting when the matter involves the common public interest. (Ord. 188, 1997)

C. Appearing before the Town Board, Planning Commission, or Board of Adjustment, in connection with a planning/development matter pertaining to such officer's primary residence; provided that the officer shall be deemed to have a conflict of interest with respect to such matter and shall not vote with respect to such matter except as provided in Section 10. (Ord. 188, 1997)

D. Appearing in Municipal Court on such officer's own behalf, or on behalf of such officer's spouse or minor child. (Ord. 188, 1997)

E. Appear with respect to any matter of public concern before the Town Board, Planning Commission, or Board of Adjustment in such officer's capacity as a citizen, and neither in such person's official capacity, or as counsel, consultant, representative, or agent for any person, business, or undertaking. (Ord. 188, 1997)

F. Accepting gifts or loans which are:

1. Campaign contributions reported as required by law; (Ord. 188, 1997)
2. An occasional non-pecuniary gift insignificant in value; (Ord. 188, 1997)
3. A non-pecuniary award publicly presented by a non-profit organization in recognition of public service; (Ord. 188, 1997)
4. Payment of, or reimbursement for, actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such employee is scheduled to participate as a speaker or other contributor in his or her capacity as a Town officer if the paying or reimbursing party has no current or anticipated business with the Town. Any honorarium or other monetary compensation received by the officer in connection, with such convention or meeting shall be turned over to the Town; (Ord. 188, 1997)
5. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such Town officer which is not extraordinary when viewed in light of the position held by such officer; (Ord. 188, 1997)
6. Items of perishable or non-permanent value including, but not limited to, meals and tickets to sporting, recreational, educational, or cultural events unless prohibited by applicable departmental rule or regulation; (Ord. 188, 1997)
7. A loan at a rate of interest which is not substantially lower than the commercial rate than currently prevalent for similar loans within the Town. (Ord. 188, 1997)

G. Receiving such compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget, or other similar official action. (Ord. 188, 1997)

H. Personally contracting with a Town contractor for the performance of work so long as such contract will not interfere with or delay the contractor's performance of any contract with the Town, and the contract is paid by the officer at substantially the generally prevailing market rate for such services within the Town. Before entering into such contract, the officer shall notify the Town Clerk in writing. (Ord. 188, 1997)

**2.44.090 Conflict of Interest in Planning Commission or Board of Adjustment Action.** Any member of the Planning Commission or Board of Adjustment who believes he or she has a conflict of interest as defined in the Ordinance on any matter proposed or pending before the Planning Commission or Board of Adjustment shall disclose such conflict to the Planning Commission or Board of Adjustment. Any member who believes that another member of the Planning Commission or Board of Adjustment has a conflict of interest shall bring the matter to the attention of the Planning Commission or Board of Adjustment prior to the consideration of the issue involving the alleged conflict. The Planning Commission or Board of Adjustment shall determine whether a conflict of interest exists. If the Planning Commission or Board of Adjustment determines that an actual conflict of interest exists, the member with the conflict shall not attempt to influence other members of the Planning Commission or Board of Adjustment in connection with such matter, and except as provided herein, shall not vote upon such matter. The member shall leave the table during discussion and action on the subject and shall return only when the Planning Commission or Board of Adjustment has taken up the next agenda item. (Ord. 188, 1997)

**2.44.100 When Trustee or Member of Planning Commission or Board of Adjustment with Conflict of Interest May Vote.** A Trustee or member of the Planning Commission or Board of Adjustment may vote upon a matter in which he or she has a conflict if:

A. His or her participation is necessary to obtain a quorum or to otherwise enable the Board of Adjustment or Planning Commission to act; and (Code, 2002)

B. If he or she complies with the disclosure provisions of Section 2.44.110. (Code, 2002)

**2.44.110 Mandatory Disclosure to Secretary of State.** No later than seventy-two (72) hours before voting pursuant to Section 2.44.100, the Trustee or member of the Planning Commission or Board of Adjustment shall give written notice to both the Secretary of State and to the Town Board or Planning Commission, whichever is applicable. Such notice shall clearly state the nature of his or her conflict of interest. (Code, 2002)

**2.44.120 Public Contracts.**

A. Except as provided herein, no Town officer or Town employee shall have an interest in any contract made by the Town. (Ord. 188, 1997)

B. The provisions of this Section shall not apply to:

1. Contracts awarded to the lowest bidder based on competitive bidding procedures; (Ord. 188, 1997)
2. Merchandise sold to the highest bidder at public auctions; (Ord. 188, 1997)

3. Investments or deposits in financial institutions which are in the business of loaning or receiving money; (Ord. 188, 1997)

4. A contract between the Town and an officer or employee if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that the Town could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the Town is greater than ten percent (10%) of a contract with an officer or employee or if the contract for services that must be performed within a limited time period and no other contractor can provide those services within that time period. If the contract involves a Trustee, such Trustee shall disclose his or her interest to the Town Board and such Trustee shall not vote upon the issue of the award of such contract except in accordance with Section 2.44.100. (Ord. 188, 1997)

#### **2.44.130 Enforcement.**

A. The Town Attorney shall have the responsibility for the enforcement of this Ordinance as to all Town employees. The Town Attorney shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the Town where the Town Attorney believes such action is appropriate. (Ord. 188, 1997)

B. The Town Board shall have the responsibility for the enforcement of this Ordinance as to Town officers. It shall have the power to investigate any complaint, to initiate any suit, and to authorize the Town Attorney to prosecute any criminal or civil action on behalf of the Town where it believes such action is appropriate. (Ord. 188, 1997)

C. Any person who believes that a violation of any portion of this Ordinance has occurred may file a complaint with the Town Clerk, which complaint shall be promptly investigated and such action taken thereon as the Town Attorney or Board shall deem to be appropriate. (Ord. 188, 1997)

#### **2.44.140 Penalties and Remedies.**

A. Any person found to have violated any provision of this Ordinance shall be subject to termination of employment or removal from office. Additionally, such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation, together with any costs (including attorney's fees) incurred by the Town in the investigation and prosecution of such violation. (Ord. 188, 1997)

B. Any court of competent jurisdiction called upon to enforce the provisions of this Ordinance may, with the consent of the Town Board, exempt from the provisions of this Ordinance any conduct of a Town officer or Town employee upon the finding that the enforcement of this Ordinance with respect to such officer or employee's conduct would not be in the public interest. (Ord. 188, 1997)

C. Notwithstanding anything contained in this Ordinance to the contrary, no Town employee or Town officer shall be in violation of the provisions of this Ordinance if, prior to engaging in the conduct which would otherwise have resulted in a violation of this Ordinance, the Town employee or Town officer has obtained a written opinion from the Town Attorney that the particular conduct in question would not violate the provisions of this Ordinance, and the Town employee or Town officer acts in accordance with the opinion of the Town Attorney. The Town Attorney shall promptly render an opinion as to the legality of any proposed conduct or action under this Ordinance upon the request of a Town employee

or officer. (Ord. 188, 1997)

**2.44.150 Distribution of Code of Conduct.** The Town Clerk shall cause a copy of this Code of Conduct to be distributed to every officer and employee of the Town within thirty (30) days after enactment of the Ordinance adopting this Code. Each officer and employee elected, appointed, or engaged thereafter shall be furnished with a copy of the Code of Conduct upon entering into the conditions of such office or employment. (Ord. 188, 1997)

**Title 3**  
**REVENUE AND FINANCE**

**Chapters:**

|                    |   |
|--------------------|---|
| <b><u>3.04</u></b> | <b><u>SALES TAX</u></b>                         |
| <b><u>3.08</u></b> | <b><u>USE TAX</u></b>                           |
| <b><u>3.12</u></b> | <b><u>TELEPHONE UTILITIES TAX</u></b>           |
| <b><u>3.16</u></b> | <b><u>INDUSTRIAL DEVELOPMENT BONDS</u></b>      |
| <b><u>3.24</u></b> | <b><u>DISPOSITION OF UNCLAIMED PROPERTY</u></b> |
| <b><u>3.25</u></b> | <b><u>SPECIAL ACCOUNTS</u></b>                  |

**Chapter 3.04**  
**SALES TAX**

**Sections:**

|          |  |
|----------|--|
| 3.04.010 | Purpose.                                     |
| 3.04.020 | Definitions.                                 |
| 3.04.030 | Licenses.                                    |
| 3.04.040 | Property and Services Taxed.                 |
| 3.04.050 | Amount of Tax.                               |
| 3.04.060 | General Provisions.                          |
| 3.04.070 | Collection, Administration, and Enforcement. |

**3.04.010 Purpose.** The purpose of this Article is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town of Nunn, Colorado, pursuant to the authority granted to incorporated towns of the State of Colorado by Article 2 of Title 29, Colorado Revised Statutes, as amended. This Article shall be so construed and interpreted as to effectuate the general purpose of making it uniform with the sales tax of the State of Colorado, levied by Article 26 of Title 39, C.R.S., as amended. (Ord. 174, 1996)

**3.04.020 Definitions.** For the purpose of this Article, the definition of words herein contained shall be as said words are defined in Section 39-26-102, C.R.S., as amended, and said definitions are incorporated herein. (Ord. 174, 1996)

**3.04.030 Licenses.**

A. It shall be unlawful for any person to engage in the business of selling tangible personal property at retail or to furnish certain services as herein specified without first having obtained a license therefore, which license shall be granted and issued by the Town Clerk and shall be in force and until the thirty-first day of December of the year in which it

is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and business and location, and such other facts as the Town Clerk may require.

B. It shall be the duty of each such licensee on or before January first of each year during which this Chapter remains in effect to obtain a renewal thereof if the license remains in retail business or is liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the Town Clerk to refuse such renewal except revocation for cause of licensee's prior license.

C. For each license issued, a fee of ten dollars (\$10.00) per year or part of a year, shall be paid, which fee shall accompany the application.

D. In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.

E. Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

F. Any license may be revoked for cause as provided in Section 39-26-103, C.R.S., as amended, which provision is incorporated herein by this reference.

G. Any person engaged in the business of selling tangible personal property at retail or the furnishing of certain services as herein specified without having first secured a license therefor as provided in this Chapter, shall be guilty of a violation of this Chapter. (Ord. 174, 1996)

#### **2.04.040 Property and Services Taxed.**

A. There is hereby levied and there shall be collected and paid a sales tax, in the amounts in this Chapter provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in Section 36-26-104, C.R.S., as amended.

B. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S., as amended.

C. The gross receipts from sales shall include delivery charges when such charges are subject to the State Sales and Use Tax imposed by Article 26 of Title 39, C.R.S., as amended, regardless of the place to which delivery is made.

D. No sales tax shall apply to the sale of construction and building materials, as the term is used in Section 29-2-109, C.R.S., as amended, if such materials are picked upon by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to such local government evidencing that a local use tax has been paid or is required to be paid.

E. No sales or use tax shall apply to the sale of food purchased with food stamps. For the purposes of this paragraph, food shall have the same meaning as provided in 7 U.S.C., Section 2012(g), as such section exists on October 1, 1987, or is thereafter amended.



F. No sales or use tax shall apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants, and children, 42 U.S.C., Section 1786, as such section exists on October 1, 1987, or is thereafter amended.

G. No sales tax shall apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule city and county, city or town equal to or in excess of that sought to be imposed by Nunn, Colorado, with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid purchaser or user to the previous statutory or home rule city and county, city or town. The amount of the credit shall not exceed the sales tax imposed by Nunn, Colorado.

H. Notwithstanding any other provision of this Chapter, the value of construction and building materials on which a use tax has previously been collected by an incorporated town, city, or county shall be exempt from the town, city, or county sales tax if the materials are delivered by the retailer or his agent to a site within the limits of such town, city, or county. (Ord. 174, 1996)

#### **3.04.050 Amount of Tax.**

A. There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in Property and Services Taxed Section of this Chapter, a two percent (2%) sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein. (Ord. 174, 1996)

#### **3.04.060 General Provisions.**

A. For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.

B. In the event a retailer has no permanent place of business in the Town or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Chapter shall be determined by the provisions of Article 26 of Title 39, C.R.S., as amended, and by rules and regulations promulgated by the Department of Revenue of the State of Colorado. (Ord. 174, 1996)

#### **3.04.060 Collection, Administration, and Enforcement.**

A. The collection, administration, and enforcement of the sales tax imposed by this Chapter shall be performed by the Executive Director of the Department of Revenue of the State of Colorado in the same manner as the collection, administration, and enforcement of the Colorado State Sales Tax. Accordingly, the provisions of Article 26 and 212 of Title 39 and Article 2 of Title 29, C.R.S., as amended, and all rules and regulations promulgated by the Executive Director of the Department of Revenue pertaining to such collection, administration, and enforcement are incorporated herein by this reference. (Ord. 174, 1996)

### **Chapter 3.08** **USE TAX**

**Sections:**

- 3.08.010 Purpose.
- 3.08.020 Uses Taxed.
- 3.08.030 Exemptions.
- 3.08.040 Motor and Other Use Tax Collection.
- 3.08.050 Construction and Building Materials Use Tax Collection.

**3.08.010 Purpose.** The purpose of this Chapter is to impose a use tax of two percent (2%) thereof for the privilege of using or consuming in the Town of Nunn, Colorado, any construction and building materials, purchased at retail, and for storing, using, or consuming in the Town any motor and other vehicles on which registration is required, purchased at retail. (Ord. 174, 1996)

**3.08.020 Uses Taxed.** There is hereby levied and there shall be collected and paid a two percent (2%) use tax upon the use or consumption of any construction or building materials, purchased at retail, and for storing, using, or consuming any motor or other vehicles on which registration is required, purchased at retail. In no event shall the use tax imposed by this ordinance extend or apply; (Ord. 174, 1996)

A. To the storage, use, or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town of Nunn. (Ord. 174, 1996)

**3.08.030 Exemptions.**

A. All sales of tangible personal property on which specific tax has been paid or is payable shall be exempt from sales tax when such sales meet both of the following conditions:

1. The purchaser is a non-resident of, or has its principal business outside of the Town; and (Ord. 174, 1996)
2. Such tangible personal property is registered or required to be registered outside the limits of the Town under the laws of the State of Colorado. (Ord. 174, 1996)

B. To the storage, use, or consumption of any tangible personal property purchased for resale in the Town of Nunn, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of business. (Ord. 174, 1996)

C. To the storage, use, or consumption of any tangible personal property brought into the Town of Nunn by a non-resident thereof for his own storage, use, or consumption while temporarily within the Town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state. (Ord. 174, 1996)

D. To the storage, use, or consumption of tangible personal property by the United States government or the State of Colorado, or its institutions, or political subdivisions, in their governmental capacities only, or by religious or charitable organizations in the conduct of their regular religious or charitable functions. (Ord. 174, 1996)

E. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any articles, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof. (Ord. 174, 1996)

F. To the storage, use, or consumption of any article of tangible personal property, the sale or use of which has already been subjected to a legally imposed sales tax of another statutory home rule town, city, or city and county equal to or in excess of that imposed by this Chapter. A credit shall be granted against the use tax imposed by this Chapter with respect to a person's storage, use, or consumption in the town or city of tangible personal property purchased by him in a previous statutory or home rule town, city, or city and county. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of sales or use tax of the previous statutory or home rule town, city, or city and county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this Chapter. (Ord. 174, 1996)

G. To the storage, use, or consumption of tangible personal property and household effects acquired outside the Town of Nunn and brought into it by a non-resident acquiring residency. (Ord. 174, 1996)

H. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of the Town of Nunn, and he purchased the vehicle outside the Town of Nunn for use outside the Town of Nunn and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside the Town of Nunn. (Ord. 174, 1996)

I. To the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax. (Ord. 174, 1996)

J. To the consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of this use tax ordinance. (Ord. 174, 1996)

#### **3.08.040 Motor and Other Vehicle Use Tax.**

A. The two percent (2%) use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado. and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this ordinance has been paid. (Ord. 174, 1996)

B. The use tax imposed by this ordinance shall be collected by the authorized agent of the Department of Revenue in this county. (Ord. 174, 1996)

C. The proceeds of said use tax shall be paid to the Town of Nunn periodically in accordance with an agreement entered into by and between the Town of Nunn and the Department of Revenue. (Ord. 174, 1996)

#### **3.08.050 Construction and Building Materials Use Tax Collection.**

A. The collection of the use tax for construction and building materials shall be administered by the Board of Trustees of the Town of Nunn, Colorado. (Ord. 174, 1996)

B. The collection and administration of the use tax imposed by this ordinance shall be performed by the Board of Trustees of the Town of Nunn in substantially the same manner as the collection, administration, and enforcement of the Colorado Sales and Use Tax. (Ord. 174, 1996)

### **Chapter 3.12**

### **EMERGENCY TELEPHONE CHARGES**

#### **Sections:**

- 3.12.010 Creation of Emergency Telephone Authority.
- 3.12.020 Emergency Telephone Charges.
- 3.12.030 Collection of Charges.

**3.12.010 Creation of Emergency Telephone Authority.** The Mayor is authorized to sign the intergovernmental agreement creating an emergency telephone service system in the County of Weld, Colorado. (Ord. 153, 1987)

**3.12.020 Emergency Telephone Charges.** There is hereby imposed, pursuant to Colorado Revised Statutes, Section 29-11-101, et. seq., 1973, as amended, upon all telephone exchange access facilities within the Town of Nunn an emergency telephone charge in an amount not to exceed 2% (two percent) of the tariff rates as approved by the Public Utilities Commission of the emergency telephone service authority, the Board of Trustees, may, by Resolution, raise or lower the emergency telephone charge, but in no event, shall such charge exceed the amount of 2% (two percent) of the tariff as approved by the Public Utilities Commission. (Ord. 153, 1987)

**3.12.030 Collection of Charges.** Telephone service suppliers providing telephone service in the Town of Nunn are hereby authorized to collect the emergency telephone charge imposed by this chapter in accordance with Colorado Revised Statutes, 29-11-101, et.,seq., 1973, as amended. (Ord. 153, 1987)

### **Chapter 3.16**

### **RETENTION OF REVENUE**

#### **Sections:**

- 3.16.010 Retention of Revenue.

**3.16.010 Retention of Revenue.** Pursuant to Article X, Section 20, of the Colorado Constitution, the qualified electors of the Town of Nunn authorize the Town and the Town shall thereby collect, retain and expend the

full proceeds of all available non-federal grants, Town fees and other revenues, notwithstanding any state restriction of fiscal year spending, including without limitation, the restrictions of Article X, Section 20, of the Colorado Constitution from the date of January 1, 1993, and thereafter. (Ord. 168, 1994)

**Chapter 3.24**  
**DISPOSITION OF UNCLAIMED PROPERTY**

**Sections:**

- 3.24.010 Purpose.
- 3.24.020 Definitions.
- 3.24.030 Procedure for Disposition of Property.
- 3.24.040 Disposition of Unclaimed Property.

**3.24.010 Purpose.** The purpose of this ordinance is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town. (Ord. 166, 1992)

**3.24.020 Definition.** Unless otherwise required by context or use, words and terms shall be defined as follows:

A. "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of time of "presumed abandonment" as provided under the Unclaimed Property Act, C.R.S., Section 38-13-101, et. seq. (Ord. 166, 1992)

B. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity, other than this Town, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the Town. (Ord. 166, 1992)

C. "Director" shall mean the Town Clerk or designee thereof. (Ord. 166, 1992)

**3.24.030 Procedure for Disposition of Property.**

A. Prior to disposition of any unclaimed property having an estimated value of \$50.00 or more, the director shall send a written notice by certified mail, return receipt requested, and first class mail postage prepaid to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the Town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the location where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with written notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited. (Ord. 166, 1992)

B. Prior to disposition of any unclaimed property having an estimated value of \$50.00 or more, and no known address of owner, the Director shall cause a notice to be published in a newspaper of general circulation in the

Town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited. (Ord. 166. 1992)

C. If the Director receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited. (Ord. 166, 1992)

D. If the Director receives a written claim within the sixty (60) day claim period, the Director shall evaluate the claim and give written notice to the claimant with ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property. (Ord. 166, 1992)

E. In the event that there is more than one claimant for the same property, the Director may, in the Director's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action. (Ord. 166. 1992)

F. In the event that all claims filed are denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited. (Ord. 166, 1992)

G. Any legal action filed challenging a decision of the Director shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Director pursuant to the order of the court having jurisdiction over such claim. (Ord. 166. 1992)

H. The Director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Chapter, including compliance requirements for other municipal officers and employees in the identification and disposition of such property. (Ord. 166, 1992)

**3.24.040 Disposition of Unclaimed Property.** Sale or disposition of any unclaimed property held by the Town shall be disposed of at the Town Board's discretion. (Code, 2002)

### **Chapter 3.25** **SPECIAL ACCOUNTS**

#### **Sections:**

3.25.010 Special Accounts.

**3.25.101 Special Accounts.** The Board of Trustees may from time to time establish special accounts for limited purposes from which monies may be deposited and withdrawn, but only for the restricted purposes as may be

provided by the ordinance or resolution establishing the account. (Code, 2002)

**TITLE 5**  
**BUSINESS LICENSE AND REGULATIONS**

**Chapters:**

|                    |  |
|--------------------|--|
| <b><u>5.04</u></b> | <b><u>BUSINESS LICENSE GENERALLY</u></b>                               |
| <b><u>5.08</u></b> | <b><u>BUSINESS LICENSE FEES</u></b>                                    |
| <b><u>5.12</u></b> | <b><u>ALCOHOLIC BEVERAGES (Reserved)</u></b>                           |
| <b><u>5.16</u></b> | <b><u>AUCTIONS AND AUCTIONEERS (Reserved)</u></b>                      |
| <b><u>5.20</u></b> | <b><u>PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS (Reserved)</u></b> |

**Chapter 5.04**  
**BUSINESS LICENSES GENERALLY**

**Sections:**

|          |  |
|----------|--|
| 5.04.010 | Intent of Provisions.                    |
| 5.04.020 | License Officer Duties.                  |
| 5.04.030 | Application and Submittal.               |
| 5.04.040 | Applicant Qualifications.                |
| 5.04.050 | License Required – Fee.                  |
| 5.04.060 | Content of License.                      |
| 5.04.070 | Duties of License.                       |
| 5.04.080 | Change of Name and/or Business Location. |
| 5.04.090 | Investigation and Enforcement.           |
| 5.04.100 | Right of Entry Authorized When.          |
| 5.04.110 | Suspension or Revocation Conditions.     |
| 5.04.120 | Appeals.                                 |
| 5.04.130 | Failure to Procure License – Penalty.    |

**5.04.010 Intent of Provisions.** It is the intent of this Ordinance to impose a business license fee for the privilege of carrying on or engaging in any business, profession, or occupation with the Town limits, which business, profession, or occupation consists of the selling of goods, wares, merchandise, or service, the performing or rendering of service for charge, and the carrying on or engaging in any occupation. (Ord. 181, 1996)



**5.05.020 License Officer Duties.**

A. The town license officer shall be the Town Clerk. He or she shall collect all license fees and shall issue licenses in the Town to all persons qualified under the provisions of this Chapter. (Ord. 181, 1996)

B. The Town Clerk shall promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Chapter. The Clerk shall keep a record of all licenses issued pursuant to this Chapter. The record shall contain the following: (Ord. 181, 1996)

1. The name of the person or business licensed; (Ord. 181, 1996)
2. The date of the license; (Ord. 181, 1996)
3. The purpose for which granted; (Ord. 181, 1996)
4. The amount paid therefore; (Ord. 181, 1996)
5. The expiration date. (Ord. 181, 1996)

**5.04.030 Application Submittal.** Every person or business required to secure a license under the provisions of this Chapter shall submit an application for such license to the Town Clerk. This application shall: (Ord. 181, 1996)

A. Be in writing, if required by the Town Clerk, and upon the form provided by the Town Clerk. (Ord. 181, 1996)

B. Be accompanied by the full amount of the license fee. (Ord. 181, 1996)

**5.04.040 Applicant Qualifications.** The general standards set out herein relative to the qualifications of every applicant for a business license pursuant to this Chapter shall be considered and applied by the town license officer. The applicant shall: (Ord. 181, 1996)

A. Not be in default under the provisions of the Town ordinances or indebted or obligated in any manner to the Town except for current taxes. (Ord. 181, 1996)

B. Provide proof of compliance with all applicable Building, Fire and Zoning Codes and Ordinances. (Ord. 181, 1996)

**5.04.050 License Required -- Fee.** Every person who is the owner of any business, profession, or occupation which is subject to the business license fee set forth in this ordinance, shall obtain a general business license from the Town prior to the engaging in any business, profession or occupation with the Town. The license fee shall be ten dollars (\$10.00) per year, which sum shall be part of the general revenue of the Town. (Ord. 181, 1996)

A. The license shall be in force and effect until the thirty-first day of December of the year in which it is issued (unless sooner revoked), and shall be renewed on or before its expiration date for the next calendar year. (Ord. 181, 1996)

- B. The license is non-transferable and no portion of the license *fee* is refundable. (Ord. 181, 1996)

**5.04.060 Content of License.** Each license issued under this Chapter shall state upon its face the following: (Ord. 181, 1996)

- A. The name of the licensee and any other name under which such business is to be conducted; (Ord. 181, 1996)
- B. The address of each business so licensed; (Ord. 181, 1996)
- C. The amount of license fee therefore; (Ord. 181, 1996)
- D. The dates of issuance and expiration thereof; (Ord. 181, 1996)
- E. Such other reasonable information as may be requested by the license officer. (Ord. 181, 1996)

**5.04.070 Duties of Licensee.** Every licensee under this Ordinance shall:

- A. Permit all reasonable inspections of his business; (Ord. 181, 1996)
- B. Ascertain, and at all times comply with, all laws and regulations applicable to such licensed business; (Ord. 181, 1996)
- C. A void all forbidden, improper or unnecessary practices or conditions which do, or may affect, the public health, morals and welfare; (Ord. 181, 1996)
- D. Refrain from operating the licensed businesses on premises after expiration of his license and during the period his license is revoked or suspended; (Ord. 181, 1996)
- E. Display his license where it may be seen at all times, or carry such license on his person when he has had no licensed business premises in the Town; (Ord. 181, 1996)
- F. Not loan, sell, give or assign to any other person, or allow another person to use or display, or to destroy, damage, remove, or to have in his possession, except as authorized by the by-law, a license which has been issued to such licensee. (Ord. 181, 1996)

**5.04.080 Change of Name and/or Business Location.** A licensee shall have the right to change the name and/or location of the licensed business without paying an additional fee, provided he notifies the Town Clerk. (Ord. 181, 1996)

**5.04.090 Investigation and Enforcement.** The Town Clerk or other authorized administrative authority shall make all investigations reasonably necessary for the enforcement of this Ordinance. (Ord. 181, 1996)

**5.04.100 Right of Entry Authorized When.** All persons authorized in this Ordinance to inspect licenses and businesses shall have the authority to enter, with or without search warrants, at all reasonable times, the following premises: (Ord. 181, 1996)

- A. Those for which a license is required; (Ord. 181, 1996)

B. Those for which a license was issued and which, at the time of inspection, are operating under such license; (Ord. 181, 1996)

C. Those for which a license has been revoked or suspended. (Ord. 181, 1996)

**5.04.110 Suspension or Revocation Conditions.** When the conduct of any licensee, agent or employee is so contrary to the public health, safety and general welfare as to constitute a nuisance, and thus give rise to an emergency, the Town Clerk shall have the authority to suspend the license. The Town Clerk may also revoke any license for violation of any of the provisions under which the license is granted. (Ord. 181, 1996)

**5.04.120 Appeals.** Any person whose license has been revoked or suspended by the Town Clerk shall have the right to appeal to the Board of Trustees by filing a written appeal to the Town Clerk within ten (10) days following the effective date of the action or decision complained of. The Board of Trustees shall hear the appeal at its next regular meeting, and its findings shall be final and conclusive. (Ord. 181, 1996)

**5.04.130 Failure to Procure License -- Penalty.** It is unlawful for any person to engage in any business, profession or occupation without first having obtained a license therefor, and paying the license fee pursuant to the provisions of this Ordinance. Any person convicted of a violation or provisions stated or adopted in this Ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment of not more than one (1) year or by both such fine and imprisonment. (Code, 2002)

**Chapter 5.08**  
**BUSINESS LICENSE FEE**  
**(reserved)**

**Chapter 5.12**  
**ALCOHOLIC BEVERAGES**  
**(reserved)**

**Chapter 5.16**  
**AUCTIONS AND AUCTIONEERS**  
**(reserved)**

**Chapter 5.20**  
**PEDELMERS, SOLICITORS, AND TRANSIENT MERCHANTS**  
**(reserved)**



**TITLE 6**  
**ANIMALS**

**Chapters:**

**6.04**      **ANIMAL CONTROL**

**Chapter 6.04**  
**ANIMAL CONTROL**

**Sections:**

- 6.04.010      Definitions.
- 6.04.020      Licensing
- 6.04.030      Control.
- 6.04.040      Rabies Control.
- 6.04.050      Vicious Dogs.
- 6.04.060      Impoundment.
- 6.04.070      Public Nuisances; Duty of Owner.
- 6.04.080      Animal Care; Humane Treatment.
- 6.04.090      Motor Vehicle Accidents; Animals.
- 6.04.100      Interference with Animal Control; Prohibited.
- 6.04.110      Protective Custody.
- 6.04.120      Animal Defecation.
- 6.04.130      Cooperation with Other Offices.
- 6.04.140      Enforcement.
- 6.04.150      Penalty for Violation.

**6.04.010 Definitions.** As used in this Ordinance, the following words have the following meanings:

- A. "Animal Control Officer" means a Trustee of the Town of Nunn, an employee of the Town of Nunn, or Humane Officer so designated by law under the ordinances of the Town, to enforce the provisions of this Ordinance. (Ord. 152, 1997)
- B. "Animal Shelter" means a facility in which to impound animals held by the Town, or a Humane Society, pursuant to contract, acting for the Town. (Ord. 152, 1997)
- C. "At-Large" means off the premises of the owner and not under the control of the owner. (Ord. 152, 1997)
- D. "Bodily Injury" means physical injury to the body or person of a human being. (Ord. 152, 1997)

- E. "Control" means physical restraint by use of a leash or a containing device. (Ord. 152, 1997)
- F. "Daylight Hours" means one-half hour before sunrise until one-half hour after sunset. (Ord. 152, 1997)
- G. "Humane Officer" means the same as Animal Control Officer as described herein. (Ord. 152, 1997)
- H. "Leash" and "Lead" mean a thong, cord, rope, chain, or similar device which holds an animal in restraint, and which is not more than ten (10) feet long. (Ord. 152, 1997)
- I. "Livestock" means any bovine animal, horse, mule, ass, sheep, goat, fowl, or swine. (Ord. 152, 1997)
- J. "Owner" means any person, partnership or corporation owning any dog(s), or having the same in his, her or its care, custody or control; or who shall cause, encourage, or suffer the same to remain on their premises for a period of three consecutive days or more. (Ord. 152, 1997)
- K. "Premises" means real property owned, rented, leased, used, kept, or occupied by a person or persons, a partnership, a corporation or governmental unit, howsoever described. (Ord. 152, 1997)
- L. "Public Nuisance" means any animal that:
1. Menaces or attacks persons or vehicles. (Ord. 152, 1997)
  2. Menaces or attacks other animals. (Ord. 152, 1997)
  3. Is at-large. (Ord. 152, 1997)
  4. Damages public or private property. (Ord. 152, 1997)
  5. Goes upon public property which is marked or signed "No Dogs Allowed" without the permission of the person in charge thereof, excluding seeing eye dogs or dogs trained as ears for the deaf and being used for such purposes at the time. (Ord. 152, 1997)
  6. Barks, whines, howls, or makes any other noise in a manner, which, under the non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous, or in such manner as to interfere with the sleep of any person or persons. (Ord. 152, 1997)
  7. Being a female in heat, because of the nature of its confinement, or lack of the same, has attracted other animals and caused them to congregate or remain on or about the premises. (Ord. 152, 1997)
  8. Would be considered by normal persons or is considered by an Animal Control Officer, as described herein, as a vicious animal, or (Ord. 152, 1997)
  9. Any other act or condition in this Ordinance designated as a public nuisance. (Ord. 152, 1997)

M. “Rabies Vaccination” means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health. (Ord. 152, 1997)

N. “Running at-Large” means the same as “At-Large” as previously described. (Ord. 152, 1997)

O. “Town” means the Town of Nunn, Colorado. (Ord. 152, 1997)

P. “Veterinary Hospital” means any premises upon which a licensed veterinarian performs surgery, makes diagnoses, and treats diseases of and injuries to animals. (Ord. 152, 1997)

Q. “Vicious Animal” means any animal that constitutes a threat to human beings or other animals. (Ord. 152, 1997)

**6.04.020 Licensing.** Except as hereinafter otherwise provided, any person within this Town owning, keeping, harboring, or having custody of any dog over the age of six (6) months shall obtain a license for each animal in the manner hereinafter specified with a maximum of four (4) licenses or dogs allowed per premises. (Ord. 152, 1997)

A. Application -- Time for Application. An applicant for such license shall apply for a license within thirty (30) days after having begun to keep, harbor, or have custody of, any such dog, or within thirty (30) days after such dog is brought into this Town; provided, however, this requirement does not apply to a non-resident, keeping a dog within the Town for not longer than sixty (60) days. (Ord. 1552, 1997)

B. Application; Contents.

1. An applicant for such license may apply to the Town Clerk. Such application shall be upon forms provided by the Town and shall contain at least the following information: (Ord. 152, 1997)

a. The name, address, and telephone number (if any) of the owner; (Ord. 152, 1997)

b. The “call name”, breed, age, color, and sex of the animal. (Ord. 152, 1997)

2. Such application shall be accompanied by:

a. A valid rabies vaccination certificate issued by a licensed veterinarian, which certificate shall contain at least the following information: (Ord. 152, 1997)

(1) The name, address, and telephone number (if any) of the owner of the vaccinated dog; (Ord. 152, 1997)

(2) The date of said vaccination; (Ord. 152, 1997)

(3) The date of expiration of said vaccination; (Ord. 152, 1997)

(4) The type of rabies vaccine used; (Ord. 152, 1997)

(5) The year and number of the rabies tag; (Ord. 152, 1997)

(6) The breed, age, color, and sex of the vaccinated dog; (Ord. 152, 1997)

(7) The signatures of the veterinarian administering the vaccine; and (Ord. 152, 1997)

b. The license fee hereinafter required. (Ord. 152, 1997)

C. License Issuance. A license shall not be issued if the vaccination expires prior to December 31<sup>st</sup> of the licensing year. Upon acceptance of the completed license application and receipt of the rabies vaccination certificate, and after payment of said license fee, the Town Clerk shall issue a durable tag stamped with an identifying number and year of issuance. The said license is an annual license for the period beginning on January 1<sup>st</sup> of each year and expiring on December 31<sup>st</sup> of each said year; and provided further that any dog released from impoundment to the owner shall first have been duly licensed as hereinabove provided, regardless of age. (Ord. 152, 1997)

D. License Use. Dogs shall wear said tags at all times while outside of the owner's premises. No person shall use or permit the use of a license tag for an animal other than the animal for which such tag was duly issued. (Ord. 152, 1997)

E. Duplicate License. A duplicate license maybe obtained upon payment of a 50¢ replacement fee. (Ord. 152, 1997)

F. Records. The Town Clerk shall maintain a record of all tags so issued and such record may be inspected by the public at reasonable and convenient times during regular business hours but in such a manner as not to interfere unduly with the regular business of said offices. (Ord. 152, 1997)

G. License Fees.

Annual

- |    |                        |                          |
|----|------------------------|--------------------------|
| 1. | Spayed or Neutered     | \$5.00 (Ord. 152, 1997)  |
| 2. | Not Spayed or Neutered | \$10.00 (Ord. 152, 1997) |
| 3. | Seeing Eye             | 50¢ (Ord. 152, 1997)     |

H. Proof of Neuter or Spay. For any owner to avail himself of the license fee for neutered male dogs or spayed female dogs, he shall first present to the Town Clerk a certificate signed by a veterinarian stating that the dog identified therein had been neutered or spayed. (Ord. 152, 1997)

I. Revocation of License. The Animal Control Officer may, after reasonable notice and opportunity for hearing, revoke a previously issued license if:

1. The applicant has knowingly made any material misrepresentation in the license application. (Ord. 152, 1997)
2. Any violation of any provision of this title is not corrected within thirty (30) days after written notice thereof has been mailed to the license holder (applicant). Said notice is complete upon mailing. (Ord. 152, 1997)
3. The applicant has been convicted of a violation of this Ordinance and in such case, no new license may be issued to said owner. (Ord. 152, 1997)



J. Resolution. The Town Board may in its discretion from time to time establish by resolution all fees for dog licenses and other charges in connection with the control of dogs and other animals. (Ord. 152, 1997)

#### **6.04.030 Control.**

A. Animals Subject to Impoundment. Any animal that constitutes a public nuisance or is at-large may be taken by the Animal Control Officer or Humane Officer and impounded in the animal shelter. Animals impounded by the Town for animal control violations shall be turned over to Weld County Animal Control as soon as practical and shall be subject to such further fees and charges as may be assessed by Weld County Animal Control or its agents or contractors. (Ord. 152, 1997)

B. Medical Treatment for Injured Animals. Animals killed or injured on or along public streets are deemed to have been running at-large and the Animal Control Officer or the Humane Officer may remove such animals therefrom and in his discretion may take those needing medical attention to the animal shelter or a veterinarian. The owner of any animal receiving such medical attention shall pay the Town for the cost thereof, which cost may, if the owner refuses to pay therefor, be recovered by a personal civil action by the Town against the owner. The Town is not and will not be liable for the cost of treatment for such animals. (Ord. 152, 1997)

C. A dog(s) shall be deemed to be running at-large when off or away from the premises of its owner and not under the control of such owner. (Ord. 152, 1997)

D. It shall be deemed that a dog(s) is not under the control of its owner when the dog(s) inflicts damage or injury to the person or property of another or by harassing, chasing, or attacking people, livestock (or worrying livestock as defined in 35-43-126 C.R.S.), or wildlife, except in the defense of the owner, his family or property. (Ord. 152, 1997)

E. "Control" as defined shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter during daylight hours or assisting enforcement officers or while actually being trained for any of these pursuits. (Ord. 152, 1997)

F. Disturbance of Peace and Quiet. No owner of an animal in the Town shall permit such animal to disturb the peace and quiet, or the quiet enjoyment of the premises of any family, individual, or neighborhood by barking, whining, howling, or making any other noise in an excessive or continuous manner so as to interfere with the sleep of any reasonable person of ordinary sensibilities. The Animal Control Officer and the Humane Officer have authority, without liability, to use all reasonable means to abate said nuisance including the authority to impound such animal, upon receipt of a signed complaint, where the owner is absent from the premises; provided, however, that this authority does not extend to entering the owner's dwelling or other building upon the owner's premises. Upon impoundment of an animal for violation of this section, said officers, or any of them, shall attempt to identify the absent owner by reasonable means as soon as possible, and such animal may not be destroyed until the owner is notified and has had an opportunity to redeem the animal from impoundment. Whenever a person is charged with a violation of this section, he shall not be convicted thereof unless two or more complaining witnesses testify at the trial or other corroborating evidence is presented and received. (Ord. 152, 1997)

G. Animals in Heat. An Animal Control Officer or the Humane Officer may order any unsprayed female dog that is in a state of estrous (heat) and is not properly confined, or any such animal that is creating a public nuisance, to be properly confined, or any such animal that is creating a public nuisance, to be removed to a boarding facility or a veterinary hospital until the period of estrous is finished. All expenses incurred as a result of said order shall be paid by

the animal's owner. Failure to comply with such an order is a violation of this section, and the animal may be impounded at the owner's expense. (Ord. 152, 1997)

H. Damage to Property. Any animal owner whose animal, whether or not running at-large, destroys, damages, or injures any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public property or upon private property when permission of the owner or tenant of said property has not been obtained, in violation of this section, and the same is a public nuisance. (Ord. 152, 1997)

#### **6.04.040 Rabies Control.**

A. Inoculation Required. The owner of every dog and cat over the age of six (6) months shall cause such dog or cat to be inoculated against rabies and said owner shall obtain from a licensed veterinarian a rabies vaccination certificate containing the information required above in Section 6.04.020,B.,2. (Ord. 152, 1997)

B. Reporting Animal Bites. The owner of any animal that bites a human being shall report the occurrence to the Animal Control Officer when known to him or reported to him, and shall deliver the animal to an Animal Control Officer and shall provide such further information requested by the Animal Control Officer. (Ord. 152, 1997)

C. Quarantine of Dangerous Animals. Any animal that bites a human being shall be quarantined pursuant to one of the following procedures for a period of not less than ten (10) days:

1. If the owner of the animal shows a valid rabies vaccination certificate and provides written assurance that the animal shall be and remain quarantined, the animal may be quarantined on the owner's premises; or (Ord. 152, 1997)

2. In any other event, the animal shall be quarantined at the animal shelter or at a veterinary hospital at the expense of the owner. (Ord. 152, 1997)

D. Handling Rabies Cases.

1. Every person having knowledge thereof shall report to the Animal Control Officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal. (Ord. 152, 1997)

2. No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the Animal Control Officer or in defense of a human being or other animal or to prevent the escape of such suspected or confirmed rabid animal. (Ord. 152, 1997)

3. No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the Animal Control Officer. (Ord. 152, 1997)

E. Destruction of Rabid Animals. If rabies has been diagnosed in any animal by a veterinarian or medical doctor, such animal shall be summarily destroyed and its brain sent immediately to the State Health Department in Denver for positive verification, at the owner's expense, or the animal or its body may be disposed of according to law, regulation, or order of said Department of Health. (Ord. 152, 1997)

F. Animals without Incubation Period. If a standard rabies incubation period has not been established for a

particular species of animal, and any animal of that species has been diagnosed as rabid, it shall be summarily destroyed, and if involved with another animal or human, a necropsy shall be performed to determine whether the other animal is contaminated by rabies. (Ord. 152, 1997)

G. Area-Wide Quarantine. When there has been a positive diagnosis of rabies within the Town, the Mayor may declare a Town-wide quarantine for a reasonable period of time not to exceed six (6) months. During the period of such quarantine, every owner of animals shall confine his or her animals within the premises of the owner and shall not transport, take, or remove his or her animal from the Town without the prior written consent of the Animal Control Officer. (Ord. 152, 1997)

#### **6.04.050 Vicious Dogs.**

A. No person shall own, keep, harbor, or possess any vicious animal in the Town provided, however, that an animal shall not be deemed a vicious animal because it has attacked or bitten any or all of the following persons: (Ord. 152, 1997)

1. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept; or (Ord. 152, 1997)

2. Any person engaged in the unlawful entry into the animal owner's automobile or other vehicle wherein such animal is confined; or (Ord. 152, 1997)

3. Any person engaged in attempting to aid such animal when it is injured. (Ord. 152, 1997)

B. For the purpose of this section, a person is lawfully upon the private property of such owner when he is on the said property in the performance of any duty imposed upon him by the laws of this State or Town or the law or Postal Regulations of the United States or when he is on such, property at the invitation, expressed or implied, of the owner thereof. (Ord. 152, 1997)

C. It is the duty of the Animal Control Officer or any police officer of the Town to investigate all complaints concerning vicious or dangerous animals. After such investigation, the Animal Control Officer shall determine whether such animal should be confirmed as provided herein. (Ord. 152, 1997)

D. If the Animal Control Officer of the Town deems an animal to be a vicious animal, he shall issue a written warning to the owner of the said animal or he may cause criminal charges to be filed in Municipal Court against the owner alleging the vicious propensities of such animal. (Ord. 152, 1997)

E. If the Municipal Court finds that the evidence supports such charge, the Judge shall order the animal to be destroyed by the Animal Control Officer in an approved humane manner. (Ord. 152, 1997)

F. It is the duty of the Animal Control Officer to seize and impound any vicious animal observed in violation of this Chapter, whether or not said vicious animal is on the premises of the owner, by whatever means is reasonable. (Ord. 152, 1997)

#### **6.04.060 Impoundment.**

A. Animals Subject to Impoundment. Any animal which constitutes a public nuisance as herein defined or which has or is suspected of having rabies, or which is found running at-large or otherwise in violation of this Ordinance, shall be taken into the custody of the Animal Control Officer, Humane Officer, or any officer, and shall be humanely impounded in the Animal Shelter. (Ord. 152, 1997)

B. Disposition of Impounded Animals.

1. Immediately upon impounding any animal, the Animal Control Officer shall post notice of such action in a public place at the Animal Shelter and at the Town Hall. The said officer shall mail notice to the owner of such animal at the owner's last known address as indicated on the most recent license application unless verbal notice of impoundment is given to the owner or another person of suitable age and discretion who resides with the owner. Said notice shall be effective upon mailing. (Ord. 152, 1997)

2. In no event shall any animal be disposed of prior to the expiration of seventy-two (72) hours after said notice has been given as provided above or, in the event the owner is unknown, after the expiration of seventy-two (72) hours after impoundment; provided, however, such animal may be disposed of at any time pursuant to the direction or authorization of State or other health authorities. (Ord. 152, 1997)

3. Any animal not reclaimed by its owner within the time heretofore established in Subsection 2, above, may be humanely euthanized or adopted. (Ord. 152, 1997)

C. Release of Impounded Animals.

1. An Animal Control Officer or Humane Officer shall not release, except to a veterinarian, any animal which is dangerous or shows symptoms of rabies or other infectious or contagious diseases. (Ord. 152, 1997)

2. An unlicensed dog shall not be released until such animal has been duly licensed and vaccinated for rabies. Upon receipt of an immunization deposit, however, such animal may be released in order that it may be immunized. Upon proof that such animal has been duly immunized within five (5) working days after such release, the Town Clerk shall refund such immunization deposit. (Ord. 152, 1997)

3. An unlicensed dog shall not be released until such animal has been duly licensed and vaccinated for rabies. Upon receipt of an immunization deposit, however, such animal may be released in order that it may be immunized. Upon proof that such animal has been duly immunized within five (5) working days after such release, the Town Clerk shall refund such immunization deposit. (Ord. 152, 1997)

D. Owner's Liability for Fees.

1. An owner reclaiming an impounded animal shall be assessed double the costs incurred on behalf of such animal for care, subsistence, custody, impoundment, plus all other fees and charges as fixed in this Ordinance. (Ord. 152, 1997)

2. The owner of an impounded animal remains personally liable for all impoundment and subsistence

fees, notwithstanding that the owner may abandon the animal or the animal is adopted or euthanized. Failure to pay said fees is a violation of this Ordinance. (Ord. 152, 1997)

E. Ownership of Unclaimed Animals. Any animal not duly reclaimed within seventy-two (72) hours after notice has been given pursuant to Subsection B.2. above by its owner, becomes and is the property of the Town and the owner is deemed to have abandoned the animal and forfeited his rights thereto, and has no cause of action against the Town or its employees as a result thereof. (Ord. 152, 1997)

**6.04.070 Public Nuisances; Duty of Owner.** The Town Board hereby finds, determines and declares that the following animals are detrimental to the public health, safety and welfare of the inhabitants of the Town, and hereby find, determines and declares each such animal to be a public nuisance: (Ord. 152, 1997)

Any animal that:

- A. Menaces or attacks persons or vehicles; (Ord. 152, 1997)
- B. Attacks other animals; (Ord. 152, 1997)
- C. Goes upon public property which is marked or signed "No Dogs Allowed" without the permission of the person in charge thereof, excluding seeing eye dogs or dogs trained as ears for the deaf and being used for such purposes at the time; (Ord. 152, 1997)
- D. Is at-large; (Ord. 152, 1997)
- E. Barks, whines, howls, or makes any other noise, in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive, or continuous or in such a manner as to interfere with the sleep of any such person or persons; (Ord. 152, 1997)
- F. Being a female in heat, because of the nature of its confinement, or lack of the same has attracted other animals and caused them to congregate or remain on or about any premises; (Ord. 152, 1997)
- G. Has not been duly licensed or vaccinated as required by this Ordinance; (Ord. 152, 1997)
- H. Has been abandoned; (Ord. 152, 1997)
- I. Is not under control as required by this Ordinance; (Ord. 152, 1997)
- J. Damages public property or private property not owned by the owner; (Ord. 152, 1997)
- K. Has contracted rabies or other contagious or pestilential disease and is not under the care of a veterinarian; (Ord. 152, 1997)
- L. Is a vicious animal; (Ord. 152, 1997)
- M. Is tied or otherwise physically fastened to any object on public property and the owner has departed from the immediate vicinity or location where the animal has been physically fastened; or, is on private property and is tied

or fastened so as to create an immediate danger to the physical well being of the animal or any person; (Ord. 152, 1997)

N. Is on premises open to the public where food or beverages are prepared, stored, or sold; provided, however, this paragraph does not apply to seeing eye dogs or dogs trained as ears for the deaf and used for such purposes at the time; (Ord. 152, 1997)

O. Defecates on public property or private property not owned by the owner; Ord. 152, 1997)

P. Is a domesticated animal and is found in public park, either on a leash or unleashed. This subsection does not apply to seeing eye dogs, government owned animals, or animals participating in shows or exhibits that are conducted in compliance with officially sanctioned activities; (Ord. 152, 1997)

Q. Any dog considered as herein described as a vicious animal. (Ord. 152, 1997)

**6.04.080 Animal Care; Humane Treatment.** It is unlawful for any person to:

A. Fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary services and with humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal; (Ord. 152, 1997)

B. Physically abuse any animal; (Ord. 152, 1997)

C. Torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals, or between animal and humans; (Ord. 152, 1997)

D. Abandon an animal (in this context abandon means to leave the animal unattended for more than forty-eight (48) consecutive hours; (Ord. 152, 1997)

E. Intentionally or maliciously kill or injure any animal, unless such act is necessary to defend a human being or other animal from immediate attack or as otherwise authorized by law or ordinance; (Ord. 152, 1997)

F. Confine any animal within a parked, closed vehicle, without allowing cross ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death; and under no circumstances shall such person confine such animal in any parked, closed vehicle on any public street or way for more than one (1) hour. Any Animal Control Officer observing any animal kept in violation of this Paragraph F may enter said vehicle, leaving written notice in said vehicle, and shall impound such animal to protect its well being. Any such officer making an entry to any such vehicle for the purposes of this Paragraph F. is immune from suit or liability, criminal or civil, for, caused by, or arising out of such entry; (Ord. 152, 1997)

G. Keep any animal in his or her custody for more than twelve (12) consecutive hours without providing for the animal's physical needs; (Ord. 152, 1997)

H. Take and deliver to the Animal Shelter or elsewhere an animal not his own from any enclosed lot, premises, or other building not his own unless he shall have first received permission from the owner of such animal, as well as the owner

or person in possession of said premises, or as otherwise authorized by this Chapter; (Ord. 152, 1997)

I. Without the consent of the owner, release any dog from restraint except when necessary to preserve the life of such dog; provided, however, when a dog has been released under such necessity the person making such release shall immediately return the dog to the custody of its owner; (Ord. 152, 1997)

J. Tie or to otherwise physically fasten an animal to any object on a public way, or so near to a public way that the animal may go upon the same, and to leave the animal and depart the immediate vicinity thereof; (Ord. 152, 1997)

K. Tie or otherwise physically fasten an animal in such a manner as to create an immediate physical danger to the well being of the animal; (Ord. 152, 1997)

L. Expose to any known poisonous substance, whether mixed with food or not, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto, eat thereof, and be poisoned thereby; provided, however, this section does not make unlawful the poisoning of rats or mice with commercial rat poison with vegetable substances; (Ord. 152, 1997)

M. Set any type of steel jaw trap or any other inhumane trap which, by its nature, may kill or maim any animal, including a human; provided, however, this section does not prohibit the use of common rat and mousetraps. (Ord. 152, 1997)

N. Number of animals allowed on non-conforming agriculturally zoned lots shall be two livestock for lots one acre or smaller. For lots larger than one acre, there shall be no more than one livestock per one-half acre. (Code, 2002)

**6.04.090 Motor Vehicle Accidents; Animals.** Any person who, while driving a motor vehicle, strikes or injures any domestic animal, shall:

A. Stop immediately and if safe to do so, render assistance to the animal, and, (Ord. 152, 1997)

B. Immediately report the accident to the owner of the animal, or (Ord. 152, 1997)

C. If after a reasonable search, said driver cannot locate the owner, immediately report the accident to the Animal Control Officer or the Police. (Ord. 152, 1997)

**6.04.100 Interference with Animal Control; Prohibited.** No person shall knowingly resist, oppose, obstruct, or interfere with any Animal Control Officer or Police Officer acting within the scope of his authority under this Chapter, or by threats or otherwise to intimidate or attempt to intimidate any such Animal Control Officer or Police Officer in the discharge of his official duty. (Ord. 152, 1997)

**6.04.110 Protective Custody.**

A. Any animal found receiving inhumane treatment as described in Section 9 of this Ordinance may be removed and impounded at the expense of the owner by the Animal Control Officer, Police Officer, or the Humane Officer. (Ord. 152, 1997)

B. Any animal whose life reasonably appears to be endangered may be so removed and impounded, whether or not in the presence of its owner. (Ord. 152, 1977)

**6.04.120 Animal Defecation.**

- A. Any owner taking the animal upon any public way or other public property in the Town shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal; (Ord. 152, 1997)
- B. Any owner taking any animal upon any private property other than his own shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal. (Ord. 152, 1997)

**6.04.130 Cooperation with Officers.**

- A. The Animal Control Officers, Police Officers, and Humane Officers acting under the direction of an Animal Control Officer or Police Officer may enforce the provisions of this Chapter, and may cooperate with state, county, and federal or other governmental officers, employees, or agents to enforce this Chapter or laws of the other said governmental subdivisions which relate to animal control, protection, or humane treatment, provided however, that such cooperation takes place in the Town and in Weld County, Colorado. (Ord. 152, 1997)
- B. Safety of Public Officers and Public. Any Animal Control Officer, Police Officer or Humane Officer may, when reasonably necessary to protect his own person or that of members of the public, immediately destroy any animal. The owner of any such animal has no recourse or cause of action against either the Town or such officer, or any of them. (Ord. 152, 1997)

**6.04.140 Enforcement.**

- A. The Animal Control Officer, the Humane Officer, and Police Officers shall enforce the provisions of this Chapter. It is a violation of this Chapter and this Section for any person to interfere with any Animal Control Officer, any Police Officer, or any Humane Officer who is performing his duties pursuant to this Chapter, the Ordinances of the Town of Nunn, or State law. It is a violation of this Chapter for any person to fail to obey a lawful order of any such officer. (Ord. 152, 1997)
- B. Officers and agents of the Humane Society shall be provided with certificates by such society that they are such officers and agents, in such form as the directors of such society may choose, or with a badge bearing the name or seal of such society, and shall, if requested, show such certificate when acting officially. (Ord. 152, 1997)
- C. Any officer, agent or employee of the Humane Society of Weld County, if such society is under contract with the Town, may perform such functions as provided by said contract and by this Ordinance and, in performing such functions, has the same authority as an Animal Control Officer or special Police Officer of the Town. (Ord. 152, 1997)
- It is the purpose of this Section, among other things, to authorize officers, agents, and employees of the Humane Society of Weld County to enforce the provisions of this Chapter to the extent provided in a current contract then in force between the Town and said Humane Society. It is also the intention of this Section that under those circumstances, officers, agents, and employees of said Humane Society shall be deemed to be, and are, "peace officers" within the meaning of the Colorado Municipal Court Rules of Procedure for purposes of issuing summonses and complaints relating to the enforcement of this Chapter. Nothing in this Section or Chapter may be construed to, and in no way does, limit the authority of police officers to enforce this Chapter. (Ord. 152, 1997)



D. Placement of Live Traps; Prohibited. The Animal Control Officers, Humane Officers and Police Officers may place and set humane or live traps for the purpose of capturing unrestrained animals on any property in the Town at the written request of the owner of such property. No person, other than said officers, shall molest or release any animal trapped therein or bother in any way any trap set pursuant to this Section. (Ord. 152, 1997)

E. Unauthorized Traps; Confiscation.

1. No person shall use unauthorized or inhumane traps within the Town. (Ord. 152, 1997)
2. The Animal Control Officers and Humane Officers shall confiscate and destroy all unauthorized or inhumane traps. (Ord. 152, 1997)
3. No person using or setting unauthorized or inhumane traps has any cause of action, civil or criminal, against the Town or its officers as a result of the confiscation of such traps as hereinbefore provided. (Ord. 152, 1997)

F. Unprovoked Biting of Humans.

1. If any animal, being unprovoked, bites a human being for the first time, the Town Board may prohibit the owner thereof from keeping such animal within the Town or order the animal destroyed. (Ord. 152, 1997)
2. If an animal, being unprovoked, bites a human being for the second or additional time, the Town Board shall prohibit the owner thereof from keeping such animal within the Town, or the Board shall order the animal destroyed. (Ord. 152, 1997)

**6.04.150 Penalty for Violation.** Any person who violates any provision of this Ordinance or commits any unlawful act defined by this Ordinance, or any person who fails to perform any act required by this Chapter, or any person who fails or refuses to comply with any lawful order given pursuant to this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as follows: (Ord. 152, 1997)

|                             | <u>Minimum</u> | <u>Maximum</u>            |
|-----------------------------|----------------|---------------------------|
| First Offense               | Warning        | Warning (Ord. 152, 1997)  |
| Second Offense              | \$50.00        | \$50.00 (Ord. 152, 1997)  |
| Third or subsequent offense | \$100.00       | \$300.00 (Ord. 152, 1997) |
| Fourth Offense              | \$300.00       | \$300.00 (Ord. 152, 1997) |

(Also requires a mandatory impoundment period. Animals are kept overnight at \$12.50 an animal.) (Ord. 152, 1997)

The minimum fines set forth shall be mandatory and shall not be suspended for any reason. Each day any violation

continues shall constitute a separate offense and is punishable accordingly. Any person charged with a third offense shall be required to appear in front of the Town Board to have the penalty portion set for the offense. (Ord. 152, 1997)

**TITLE 8**  
**HEALTH AND SAFETY**

**Chapters:**

|                    |   |
|--------------------|---|
| <b><u>8.04</u></b> | <b><u>GARBAGE COLLECTION AND DISPOSAL</u></b>             |
| <b><u>8.08</u></b> | <b><u>WEEDS AND RUBBISH</u></b>                           |
| <b><u>8.12</u></b> | <b><u>USE OF PROPANE TANKS</u></b>                        |
| <b><u>8.16</u></b> | <b><u>TRAILERS, LIVESTOCK, AND PRODUCE WAREHOUSES</u></b> |

**Chapter 8.04**  
**GARBAGE COLLECTION AND DISPOSAL**

**Sections:**

|          |  |
|----------|--|
| 8.04.010 | Definitions.                             |
| 8.04.020 | Responsibility for Cleanup.              |
| 8.04.030 | Transport for Garbage – Requirements.    |
| 8.04.040 | Collection – Frequency.                  |
| 8.04.050 | Charges.                                 |
| 8.04.060 | Billing Procedures.                      |
| 8.04.070 | Town Authorized Trash Haulers.           |
| 8.04.080 | Charges – Establishment and Enforcement. |
| 8.04.090 | Rules and Regulations.                   |
| 8.04.100 | Unlawful Dumping.                        |
| 8.04.110 | Abatement of Refuse Accumulations.       |
| 8.04.120 | Leaves and Tree or Grass Clippings.      |
| 8.04.130 | Violation – Penalty.                     |

**8.04.010 Definitions.** As used in this chapter:

A. "Garbage" means the animal and vegetable waste resulting from the preparation, cooking and consumption of foods. (Code, 2002)

B. "Refuse" is defined and held to mean any and all hay, straw, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, and the residue from the burning and other destruction of all combustible materials whatsoever, and any and all other material commonly known as rubbish or refuse, except building rubbish from building construction or reconstruction, street refuse, large trees, industrial refuse, dead animals, abandoned large machinery or vehicles, or such other waste materials as are not commonly produced in homes, stores, or institutions. (Code, 2002)

**8.04.020 Responsibility for Cleanup.** The Town is not obligated to clean, pick up or remove waste or other debris resulting from construction or repairs to buildings or other improvement of property within the Town, or dead or fallen trees, or limbs from trees on private property or parking adjacent thereto, nor trash resulting from a general cleanup of vacant or improved property. All such shall be removed by the owner, occupant, tenant or lessee at his own expense, except as may be otherwise provided in this Chapter. (Code, 2002)

**8.04.030 Transport or Garbage – Requirements.** It is unlawful for any person to remove or carry, or cause to be removed or carried, on or along the streets and alleys of the Town any garbage or other matter offensive to sight or smell except in watertight cans or in carts, trucks, or wagons having iron beds or boxes with proper covers, so that the garbage or other matter is not offensive. The garbage shall be so loaded that none of it falls, drips or spills on the ground. (Code, 2002)

**8.04.040 Collection -- Frequency.** Refuse and garbage will be collected at least once each week, and where necessary to protect the public health, the Board of Trustees may require more frequent collections. It is the intent of this Chapter that the reasonable accumulations of refuse of each family for the collection period will be collected for the standard charge; however, the Board of Trustees may refuse or may make additional charges for such unreasonable amounts. (Code, 2002).

**8.04.050 Charges.**

- A. For residential property, collection charges shall be as fixed by resolution of the Board. (Code, 2002)
- B. For commercial property, collection charges shall be as fixed by resolution of the Board. (Code, 2002)
- C. The charges provided in this section shall be payable, billed, and collected in the same manner and upon the same terms, penalties, and provisions for collection as, and together with the water rates as provided in Title 13 of this Code, as amended. (Code, 2002)

**8.04.060 Billing Procedures.** The charges as fixed by Resolution of the Board shall be payable, billed, and collected in the same manner and upon the same terms as provided in Title 13 of this Code for water charges. (Code, 2002)

**8.04.070 Town Authorized Trash Haulers.**

- A. The Town, by and through its duly authorized agents, employees, contractors, or Town-licensed haulers, shall be the sole agency for the collection and disposal of refuse and no person except such duly authorized agents, employees, contractors, or Town-licensed haulers shall collect or dispose of any refuse, whether his own or another's within the Town. Nothing contained herein shall prevent an individual from hauling his own waste material provided that it is properly disposed of in conformity with State law and health department rules and regulations.
- B. The charge for Town collection of refuse will be made at the same time as the charge for the water utility service offered and furnished by the Town and such refuse charge shall be due and payable at the same time and place as the charge for the water utility service.
- C. The charge for Town refuse collection and the charge for water utility service are hereby declared to be parts of

one debt to the Town insofar as the same or any one customer or consumer and the refusal or failure to pay any part of such debt for any monthly period of service in accordance with the rules and regulations established by the Town Board shall be sufficient cause for discontinuing water utility service and/or refuse collection.

D. The amount of the charge for refuse collection service provided by the Town shall be a lien upon the property service until the same is paid. In case of failure to pay the established charges for collection service by the owner or person having the occupancy, control, or management of any premises within thirty (30) days after the time prescribed for payment of such charges by the Town, the Town Clerk may certify such charges as assessed to the County Treasurer to be placed on such tax list for the current year to be collected in the same manner as other taxes are collected with a ten percent (10%) penalty to defray the cost of collection as provided by State law.

**8.04.090 Rules and Regulations.** The Town Board may promulgate rules and regulations relating to the manner of preparing and accumulating refuse and waste material for collection; the kind of containers to be used for such accumulation; the manner of, use of, and care for such containers, the location of pickup points, procedures, schedules, and such other rules and regulations as, in their discretion, are necessary or desirable in the interests of maintaining the efficiency and sanitary conditions and the refuse collection system and service within the Town; and such rules and regulations, when promulgated, shall be of the same force and effect as if incorporated in this Code. (Code, 2002)

**8.04.100 Unlawful Dumping.**

A. It shall be prohibited for anyone who is not a Town resident to dump any trash in any of the dumpsters provided by the Town's contractor for trash hauling services. (Code, 2002)

B. The Town has provided a place within the Town limits for disposing of trees and limbs. It shall be prohibited for anyone to dispose of any materials other than trees or limbs at such dump. A permit for dumping trees and limbs must first be obtained from the Town Clerk. The Board of Trustees may establish a permit fee by Resolution. (Code, 2002)

**8.04.110 Abatement of Refuse Accumulations.** Any unreasonable accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after notice is deemed a violation of this Chapter. (Code, 2002).

**8.04.120 Leaves and Tree or Grass Clippings.** It shall be unlawful for any person to burn leaves, brush, or other refuse upon the paved surface or gutter of any street in the Town or to throw or deposit garbage or refuse, or to cause the same to be thrown or deposited, upon any street, alley, gutter, park, or other public place, except that leaves and trimmings of trees, shrubs, and grass may be neatly piled in the alleys or streets along the edges so as not to obstruct passage through and along such street, alley or any sidewalk along such street, to be picked up and removed by the owner, occupant, tenant, or lessee, or by the Town, as provided in this Chapter. (Code, 2002)

**8.04.130 Violation – Penalty.** Any person who violates any of the provisions of this Chapter is guilty of violation of this Chapter and shall be punished as provided in Chapter 1.06 – General Penalty.

**Chapter 8.08**  
**WEEDS AND RUBBISH**

**Sections:**

|          |  |
|----------|--|
| 8.08.010 | Definitions.                                     |
| 8.08.020 | Nuisance Declared.                               |
| 8.08.030 | Notice to Remove – Removal by Town               |
| 8.08.040 | Removal by Town – Assessment.                    |
| 8.08.050 | Hearing on Assessment.                           |
| 8.08.060 | Removal from City Property.                      |
| 8.08.070 | Complaint – Penalties.                           |
| 8.08.080 | Disposal of Decaying Vegetable or Animal Matter. |

**8.08.010 Definitions.** As used in this Chapter:

A. **Brush.** The term "brush" is defined as any volunteer growth of bushes or trees growing out of a place and includes cuttings from trees and shrubs and any rank growth which may conceal filthy deposits or constitute a fire hazard when dry. (Code, 2002)

B. **Rubbish.** The term "rubbish" is defined as unsightly material, waste products, refuse, trash, or waste lumber left piled or scattered that may become a breeding place for flies, mosquitoes or vermin or that may give off unpleasant odors or create a health or fire hazard where located. (Code, 2002)

C. **Weeds.** The term "weeds" is defined as any annual or perennial herbaceous plants of volunteer growth not cultivated or useful for human food or enjoyment and which, when in blossom, exhale an unpleasant or noxious odor or give off pollen irritating to human tissues, and also any high or rank vegetable growth that may conceal filthy deposits or constitute a fire hazard when dry. (Code, 2002)

**8.08.020 Nuisance Declared.** As defined in Section 8.08.010 of this Chapter, weeds, brush, and rubbish are declared to be nuisances and dangerous to public health and safety. (Code, 2002)

**8.08.030 Notice to Remove -- Removal by Town.**

A. At any time during the calendar year when the health and safety of the community or area is in danger, the Town Code Enforcement Officer shall cause notice to be published in one (1) newspaper in the Town notifying owners of lots or tracts of land within the town limits that all weeds must be removed, either by cutting or spraying, in accord with approved agricultural practices, and that all dry weeds, brush, or rubbish shall be removed or burned, further notifying such owners that if they fail to do so within fifteen (15) days after being notified, same will be removed, sprayed or burned under his direction and the entire cost thereof, plus five percent for inspection and incidentals, will be assessed against the lots and lands owned by them within the town limits. (Code, 2002)

B. On such expiration of the time so fixed, the Town Code Enforcement Officer shall cause all such weeds, brush, and rubbish not so removed to be removed, sprayed or burned, as the case may require and as in his judgment are a nuisance or health or fire hazard, and shall cause to be filed with the Town Clerk a statement showing the charges to be assessed against such lot, lots or tracts of land in payment of work so done, including not to exceed five percent. (Code, 2002)

C. When requested by the Town Code Enforcement Officer, it is the duty of the Public Works Superintendent to

provide the materials, labor, and equipment for such removal, spraying, or burning of weeds, brush, and rubbish under the direction of the Town Code Enforcement Officer. (Code, 2002)

**8.08.040 Removal by Town -- Assessment.**

A. After receipt of such statement, the Town Clerk shall publish a notice to the owners of the lots or tracts of land that assessments will be made against such lots or tracts of land to provide for the cost of the removal, spraying, or burning of weeds, brush or rubbish, as provided therein; that the Board of Trustees will sit to hear objections thereto not less than fifteen (15) days after the publication of such notice; that the description of the lots and tracts of land to be assessed and the amounts of the proposed assessments to be levied thereon are on file in the office of the Town Clerk for inspection. (Code, 2002)

B. The owners shall be notified, naming them, when the proposed assessment is made by the Board of Trustees, that the same must be paid to the Town Clerk on or before thirty (30) days after the Board of Trustees has ascertained and fixed the amounts of such assessments against the lots and tracts of land and certified by the Town Clerk to the County Treasurer of Weld County, Colorado, to be collected by the County Treasurer for the Town, the same as general taxes. (Code, 2002)

**8.08.050 Hearing on Assessment.** At the time and place designated in the notice of the Town Clerk that the Board of Trustees will sit to hear objections to proposed assessments against lots or tracts of land, the Board of Trustees shall hear, consider, and determine objections thereto and, as determined by the Board, the Town Clerk shall proceed to collect as provided in Section 8.08.040 of this Chapter. The assessment, when certified by the Town Clerk to the County Treasurer, shall be a lien in the amount of the assessment against the lot or tracks of land until paid. All moneys received by the Town Clerk in payment of assessments levied under this Chapter shall be placed in the general fund of the Town. (Code, 2002)

**8.08.060 Removal from Town Property.** It is the duty of the Public Works Superintendent to remove or spray all weeds growing in alleys in the Town before they become noxious or detrimental to health or a fire hazard. He shall likewise cause areas bordering sidewalks, outside lot lines, to be kept free of noxious weeds. (Code, 2002)

**8.08.070 Complaint -- Penalties.** Any person who, as owner or as tenant and in possession of any lot, lots or tracts of land within the Town, permits weeds, brush, or rubbish to become nuisances as defined in this Chapter, or any person who, as owner or as tenant in possession of any lots or tracts of land, fails or refuses to remove, spray, or burn weeds, brush, or rubbish, as may be required wlder the circumstances, after forty-eight (48) hours' written request of the Town Code Enforcement Marshal; or any person who as owner or as tenant in possession, refuses or fails to heed the notice provided in Section 8.08.030 of this Chapter, on complaint being made to the Town, shall be fined as provided in Section 1.06.010 of this Code, and costs to be taxed. The fact that assessments have been proposed, determined, or levied shall not prevent other penalties from being imposed for violation of the Chapter. ( Code, 2002)

**8.08.080 Disposal of Decaying Vegetable or Animal Matter.**

A. All persons are prohibited from depositing, permitting to be deposited, and from keeping or permitting to be kept, any dead animals, offal, waste, putrid, offensive or nauseous animal or vegetable substances at or on any public or private premises or place within the town limits except in lawful receptacle therefor at the town dump ground. (Code, 2002)

B. No person shall bury or cause to be buried any dead animal or fowl or part thereof within the limits of this Town. Persons having dead animals or fowl for food or an animal or fowl sick or injured and past recovery or an

animal or fowl in such offensive condition or conditions as to be detrimental to health on his premises shall at once remove or cause the same to be removed to a licensed rendering plant and there disposed of at his own expense. (Code, 2002)

## **Chapter 8.12** **USE OF PROPANE TANKS**

### **Sections:**

|          |                                       |
|----------|---------------------------------------|
| 8.12.010 | Prohibition of Certain Propane Tanks. |
| 8.12.020 | Notice to Abate.                      |
| 8.12.030 | Abatement.                            |
| 8.12.040 | Penalties.                            |

### **8.12.010 Prohibition of Certain Propane Tanks.**

A. Gas service in the Town of Nunn shall be through the Greeley Gas Company or other gas utility which has been approved by the Town Board. (Ord. 194, 1997)

B. It shall be unlawful for any person to install or use a propane tank as the gas supply for heating, cooking, or other use in any structure located in the Town of Nunn. (Ord. 194, 1997)

C. The above prohibition shall not apply to small propane tanks, not to exceed ten (10) gallons capacity, used for an outdoor grill or installed in a camper-trailer, motor home, or other such conveyance which is not used as a permanent residence or dwelling. (Ord. 194, 1997)

**8.12.020 Notice to Abate.** The Town Clerk shall notify the owner of record of the property on which any violation of this ordinance has occurred, by certified mail, return service or by posting on the property, that if the violation is not corrected within ten (10) days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in Municipal Court to answer charges for the violation of this Ordinance, or that other appropriate enforcement action will be taken. (Ord. 194, 1997)

**8.12.030 Abatement.** At the expiration of the ten (10) day notice period, in addition to any other remedy, the Town of Nunn may abate any violation of this Ordinance as a "nuisance" and obtain appropriate injunctive relief in any Court having jurisdiction. (Ord 194, 1997)

**8.12.040 Penalties.** Any person, firm, or corporation violating this Ordinance or any provision is guilty of a civil violation and, upon conviction thereof, shall be punished as provided in Section 1.12.010 of this Code. Each day during which such violation continues shall be deemed a separate offense. (Code, 2002)



**TITLE 9**  
**PUBLIC PEACE AND WELFARE**

**Chapters:**

|                    |   |
|--------------------|---|
| <b><u>9.04</u></b> | <b><u>GENERAL PROVISIONS</u></b>                                    |
| <b><u>9.08</u></b> | <b><u>OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT</u></b> |
| <b><u>9.12</u></b> | <b><u>OFFENSES AGAINST THE PERSON</u></b>                           |
| <b><u>9.16</u></b> | <b><u>OFFENSES AGAINST PUBLIC PEACE</u></b>                         |
| <b><u>9.20</u></b> | <b><u>OFFENSES AGAINST PUBLIC DECENCY</u></b>                       |
| <b><u>9.24</u></b> | <b><u>OFFENSES AGAINST PROPERTY</u></b>                             |
| <b><u>9.28</u></b> | <b><u>OFFENSES BY OR AGAINST MINORS</u></b>                         |
| <b><u>9.32</u></b> | <b><u>WEAPONS</u></b>   |
| <b><u>9.34</u></b> | <b><u>MISCELLANEOUS OFFENSES</u></b>                                |
| <b><u>9.36</u></b> | <b><u>VIOLATION – PENALTY</u></b>                                   |

**Chapter 9.16**  
**OFFENSES AGAINST PUBLIC PEACE**

**Sections:**

|          |                                |
|----------|--------------------------------|
| 9.16.010 | Prohibition – Fireworks.       |
| 0.16.020 | Unreasonable Noise Prohibited. |

**9.16.010 Prohibition -- Fireworks.** It shall be unlawful for any person to store, use, discharge, purchase, offer for sale, or knowingly furnish to another person, any fireworks within the Town limits of the Town of Nunn, Colorado.

A. **EXCEPTION:** Upon receipt of a written application, the Town Board may grant a special permit for fireworks displays associated with public community events. The fireworks displays shall be in accordance with the Uniform Fire Code.

B. **Definitions.** "Fireworks" is a combustible or explosive composition, or any substances, combination of substances, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used; firecrackers, torpedoes, sky-rockets, Roman candles, sparklers or other devices of like construction; any devices containing an explosive or flammable compound; and any tablet or other device containing an explosive substance. Fireworks do not include auto flares; paper caps containing an average of twenty-five hundredths of a grain of explosive content per cap or less; and toy pistols, toy canes, toy guns or other devices for use of such caps.

**9.16.020 Unreasonable Noise Prohibited.** A person violates this provision if he makes unreasonable noise in a public

place or near a private residence that he has no right to occupy.

A. Using, operating, or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at 100 feet from such device is presumed to be making unreasonable noise.

**Chapter 9.28**  
**OFFENSES BY OR AGAINST MINORS**

**Sections:**

- 9.28.010 Curfew Hours for Minors – Exceptions.  
9.28.020 Responsibility of Parents and Guardians.

**9.28.010 Curfew Hours for Minors -- Exceptions.** It is unlawful for any minor who has not reached his sixteenth birthday to be or remain upon any streets or alleys or other public places within the Town, or to remain in any establishment open to the public generally within the Town, between the hours of eleven p.m. and five a.m., except: (Code, 2002)

- A. When accompanied by a parent, guardian, or other person having legal care or custody of such minor; (Code, 2002)
- B. For lawful employment; (Code, 2002)
- C. When such minor is in the custody of and accompanied by a person who has reached his eighteenth birthday and who has in his possession the written consent of such parent, guardian, or other person having legal care or custody of such minor. (Code, 2002)

**9.28.020 Responsibility of Parents and Guardians.** It is unlawful for any parent, guardian, or other person having legal care or custody of any minor falling under the terms of this Chapter to allow or permit such minor to violate any of the terms or provisions of Section 9.28.010. (Code, 2002)

**Chapter 9.36**  
**VIOLATION – PENALTY**

**Sections:**

- 9.36.010 Violation – Penalty.

**9.36.010 Violation -- Penalty.** Any person who violates any of the provisions of Title 9 is guilty of a violation of this title and shall be punished as provided in Chapter 1.06. (Code, 2002)



**TITLE 10**  
**VEHICLES AND TRAFFIC**

**Chapters:**

|                     |   |
|---------------------|---|
| <b><u>10.04</u></b> | <b><u>MODEL TRAFFIC CODE</u></b>                  |
| <b><u>10.12</u></b> | <b><u>ABANDONED AND JUNKED MOTOR VEHICLES</u></b> |

**Chapter 10.04**  
**MODEL TRAFFIC CODE**

**Sections:**

|           |                             |
|-----------|-----------------------------|
| 10.04.010 | Adoption.                   |
| 10.04.020 | Additions or Modifications. |

**10.04.010 Adoption.**

A. Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., as amended, there is adopted by reference in the 1995 Edition of the “Model Traffic Code for Colorado Municipalities,” promulgated and published as such by the Colorado Department of Transportation, Staff, Traffic and Safety Projects Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222. (Code, 2002)

B. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Chapter and the Code adopted in this Chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. (Code, 2002)

C. Three (3) copies of the Model Traffic Code adopted in this Section are now filed in the office of the Town Clerk and may be inspected during regular business hours. (Code, 2002)

D. The 1995 Edition of the Model Traffic Code is adopted as if set out at length. (Code, 2002)

**10.04.020 Additions or Modifications.** The following modifications and additions are made to the 1995 Edition of the Model Traffic Code: (Code, 2002)

A. Section 1203 shall be added to read as follows: (Code, 2002)

**Section 1203 – Parking or storing of restricted vehicles in residential zones.**

A. For the purpose of this Chapter “restricted vehicles” are boats, all terrain vehicles and snowmobiles, whether on trailers or not; trailer coaches; mobile homes; trailers; detached pickup campers; semitrailers; trucks or truck-tractors; or parts of such vehicles. (Code, 2002)

B. No “restricted vehicle” shall be parked or stored upon the streets or alleys in any residentially zoned area, except: (Code, 2002)

1. Temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed twenty-four (24) hours; (Code, 2002)

2. Temporary parking of passenger vehicles, such as automobiles and pickup trucks, with attached trailer, campers or boats for a period not to exceed seventy-two (72) hours; (Code, 2002)

3. Temporary parking by non-resident visitors of boats, trailer coaches, or mobile homes pursuant to a permit issued by the Code Enforcement Officer. Such permits shall be issued only to the owner or regular driver of such vehicle and shall not be transferred or assigned to another owner, driver or location. Such permits shall not exceed fourteen (14) days and may be renewed for no more than fourteen (14) days. (Code, 2002)

4. During construction and repair of buildings or real property; (Code, 2002)

5. During an emergency. (Code, 2002)

## **Chapter 10.12** **INOPERABLE MOTOR VEHICLES**

### **Sections:**

- 10.12.010 Findings of the Town Board.
- 10.12.020 Definitions.
- 10.12.030 Parking Inoperable Vehicles Prohibited – Exceptions.
- 10.12.040 Conditions Raising Presumption that Vehicle is Inoperable.
- 10.12.050 Exemptions – Business Activities.
- 10.12.060 Procedure to Obtain Permit.
- 10.12.070 Exemptions – Temporarily Disabled Vehicles.
- 10.12.080 Notice of Violation – Prosecution When.
- 10.12.090 Request for Hearing.
- 10.12.100 Procedure for Hearing.
- 10.12.110 Removal of Motor Vehicle from Property.
- 10.12.120 Notice of Removal.
- 10.12.130 Disposition of Vehicles.
- 10.12.140 Contents of Public Sale Notice.
- 10.12.150 Public Sale.
- 10.12.160 Redemption of Impounded Vehicles.
- 10.12.170 Costs of Abatement by Town – Collection.

10.12.180 Violation – Penalty.

**10.12.010 Findings of the Town Board.** The Town Board finds that inoperable vehicles tend to interfere with the enjoyment of property, reduce the value of private property, invite plundering, create fire hazards, extend and aggravate urban blight, are a public nuisance, are an attractive nuisance to children, and result in a serious hazard to the public health, safety, comfort, convenience, welfare, and happiness of the residents of the Town. (Ord. 223, 2001)

**10.12.020 Definitions.** In this Chapter:

A. “Inoperable” means a condition of being junked, wrecked, wholly or partially dismantled or discarded. (Ord. 223, 2001)

B. “Vehicle” means any automobile, truck, tractor, or motorcycle which originally contained an engine, regardless of whether it contains an engine at any other time. (Ord. 223, 2001)

**10.12.030 Parking Inoperable Vehicles Prohibited – Exceptions.** Except as provided in Sections 10.12.050 through 10.12.070, it is unlawful for any person, partnership, corporation, or their agent, either as owner, lessee, tenant or occupant of any property or land within the Town to park, store, or deposit, or permit to be parked, stored or deposited thereon an inoperable vehicle or vehicle parts, unless it is enclosed in a garage or other building. (Ord. 223, 2001)

**10.12.040 Conditions Raising Presumption that Vehicle is Inoperable.** Any of the following conditions shall raise the presumption that a vehicle is inoperable: (Order 223, 2001)

A. Absence of an effective registration or license plate upon such vehicle; (Ord. 223, 2001)

B. Placement of the vehicle or parts thereof upon jacks, blocks, chains, or other supports; (Ord. 223, 2001)

C. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways. (Ord. 223, 2001)

**10.12.050 Exemptions – Business Activities.** The provisions of Section 10.16.030 shall not apply to any person, firm or corporation, or their agent, who is conducting a business enterprise in compliance with existing Town zoning regulations; provided, however, that nothing in this Section shall authorize the maintenance of a public nuisance. In addition, any inoperable vehicle stored, parked or deposited on such business property and not within a garage or other building shall be screened with a fence of a minimum of six (6) feet in height. Such fence shall be constructed of standard fencing material that obscures the view of any inoperable vehicle or parts and shall not be constructed of junk or scrap materials. (Ord. 223, 2001)

**10.12.060 Procedure to Obtain Permit.**

A. Temporary storage of an inoperable vehicle may be permitted if the owner of such vehicle obtains a Project Vehicle Permit. (Ord. 223, 2001)

B. Any person may purchase from the Town of Nunn a Project Vehicle Permit from the Town Clerk at the cost

of ten dollars (\$10.00) for the first permit, twenty-five dollars (\$25.00) for the second permit, and fifty dollars (\$50.00) for the third permit, not to exceed three (3) permits, for project vehicles located on any lot, or parcel of ground within the Town of Nunn. (Ord. 223, 2001)

C. Such permit shall be valid for base year, and then one (1) extension year may be purchased, if proof of restoration efforts can be shown to the Town Board, such that the vehicle will be fully operable and in full use at the end of the second year. (Ord. 223, 2001)

D. Nothing in this Ordinance shall authorize the maintenance of a public nuisance or hazard. (Ord. 176, 1996; Ord. 223, 2001)

**10.12.070 Exemptions – Temporarily Disabled Vehicles.** The provisions of Section 10.16.030 shall not apply to any person, partnership, or corporation, or their agent, with one (1) vehicle inoperable for a period of thirty (30) consecutive days or less. (Ord. 223, 2001)

**10.12.080 Notice of Violation – Prosecution When.** Whenever a complaint is made to the appropriate official of the Town regarding an alleged violation of Section 10.16.030 or whenever any Code Enforcement Officer observes an apparent violation of Section 10.16.030, a Code Enforcement Officer shall transmit by certified mail and first class mail, postage prepaid, or hand deliver to such owner, occupant, or another person in charge of the lot, block, or parcel or land or post in a conspicuous place on the premises, a notice advising the person of the violation and direct that he take action within ten (10) days after receipt of the notice to comply with Section 10.16.030, or that the vehicle will be removed by the Town, with the cost of removal to be levied against the owner or occupant of the property and/or that prosecution proceedings will be commenced for violation of this Chapter. (Ord. 223, 2001)

**10.12.090 Request for Hearing.** The persons to whom notices are directed may file a written request for a hearing before the Board of Trustees within the ten (10) day period of compliance prescribed in Section 10.16.080. (Code, 2002)

**10.12.100 Procedure for Hearing.** The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of such hearing at least five (5) days in advance thereof. (Code, 2002)

**10.12.110 Removal of Motor Vehicle from Property.** If the violation described in the notice has not been remedied within the ten (10) day period of compliance or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Board of Trustees, the Code Enforcement Officer or his designee shall have the right to take possession of the inoperable vehicle and have it removed from the premises. It is unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter. (Code, 2002)

**10.12.120 Notice of Removal.** Within forty-eight (48) hours of the removal of such vehicle, the Code Enforcement Officer or his designee shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that the vehicle, or vehicles, has been impounded and stored for location, of where the vehicle, or vehicles, is stored, and the cost incurred by the Town for removal. (Code, 2002)

**10.12.130 Disposition of Vehicles.** Upon removing a vehicle under the provisions of Section 10.16.110, the

Town shall follow the procedures under state law, Colorado Revised Statutes, 42-4-1801, et. seq., for the disposition of all abandoned vehicles whether the disposition is by public or private sale or otherwise. (Code, 2002)

**10.12.140 Contents of Public Sale Notice.** The notice of a sale shall state:

- A. The sale is of abandoned property in the possession of the Town; (Code, 2002)
- B. A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle; (Code, 2002)
- C. The terms of the sale; (Code, 2002)
- D. The date, time and place of the sale. (Code, 2002)

**10.12.150 Public Sale.** The vehicle shall be sold to the highest and best bidder. At the time of the payment of the purchase price, a certificate of sale shall be given to the purchaser and the copy thereof to be filed with the Town Clerk. Should the sale for any reason be invalid, the Town's liability shall be limited to the return of the purchase price. (Code, 2002)

**10.12.160 Redemption of Impounded Vehicles.** The owner of any vehicle seized under the provisions of this Chapter may redeem such vehicle at any time after its removal but prior to the sale or destructing thereof upon proof of ownership and payment to the Town Clerk of such sum as maybe determined for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus the cost to the Town for storage of the vehicle. (Code, 2002)

**10.12.170 Costs of Abatement by Town -- Collection.**

- A. In the event an inoperable vehicle on any lot, block, or parcel of land is removed by order of the administrative authority, the whole cost of removing the inoperable vehicle, together with five percent (5%) fee for inspection and other incidentals, shall be paid to the Town Clerk within thirty (30) days after mailing by the Town Clerk to the owner of such lot, block, or parcel of land, by first class mail, postage prepaid, notice of the assessment of such costs. (Code, 2002)
- B. Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such lot, block, or parcel of land, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time, after such failure to so pay the same within thirty (30) days, by the Town Clerk to the County Treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent (10%) penalty to defray the cost of collection, as provided by the laws of the state. (Code, 2002)
- C. If during one 365-day period, the administrative authority performs a second or further inspection (other than an inspection showing compliance) for the same property and finds a second or further violation of the same type, the owner or occupant of the subject property shall be assessed a reinspection fee. Such fee is established by Town Board by Resolution. If such reinspection fee is not paid within thirty (30) days, it shall be collected pursuant to subsections A. and B. (Code, 2002)

**10.12.180 Violation -- Penalty.** Every person convicted of a violation of any provision stated or adopted in this Chapter



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. In addition, the Municipal Judge may order the defendant to remove such inoperable vehicle within ten (10) days and if the defendant fails to do so, the Town may remove such inoperable vehicle and charge back the property owner for its costs plus five percent (5%) for inspection and other incidentals. (Code, 2002)

**TITLE 12**  
**STREETS, SIDEWALKS, AND PUBLIC PLACES**

**Chapters:**

|                     |                                      |
|---------------------|--------------------------------------|
| <b><u>12.04</u></b> | <b><u>PARKS</u></b>                  |
| <b><u>12.08</u></b> | <b><u>MOUNTAIN VIEW CEMETERY</u></b> |

**Chapter 12.04**  
**PARKS**

**Sections:**

|           |  |
|-----------|--|
| 12.04.010 | Hours of Closure.                            |
| 12.04.020 | Unlawful to be in Park After Closing.        |
| 12.04.030 | Vandalism.                                   |
| 12.04.040 | Prohibited Behavior Within the Parks.        |
| 12.04.050 | Glass Containers Prohibited.                 |
| 12.04.060 | Open Fire Prohibited.                        |
| 12.04.070 | Community Park Facilities and Equipment Fee. |
| 12.04.080 | Violation – Penalty.                         |

**12.04.010 Hours of Closure.** All public parks within the Town shall be closed to the public from the hour of 10:00 p.m. until the hour of 5:00 a.m. each and every day. Signs shall be posted at the entrances or at conspicuous places within the park specifying the hours of closure of the park in sufficient form to inform the public of the closing hour. (Ord 169, 1995)

**12.04.020 Unlawful To Be In Park After Closing.** It is unlawful for any person to be within any Town park between the hours of 10:00 p.m. and 5:00 a.m. of each and every day unless such person has on their possession a permit, issued by a Town Official, granting them authority to be on the premises after hours. A permit may be issued by any Town Board member. (Ord. 169, 1995)

**12.04.030 Vandalism.** It shall be unlawful for any person to injure, damage, remove, deface, or destroy any park facility, tree, shrub, vine, flower, or other property within any Town park or to commit any act of vandalism therein including, but not limited to, driving a vehicle on park property. (Ord 169, 1995; Ord. 222, 2001)

**12.04.040 Prohibited Behavior Within the Parks.** All persons making use of any public park in the Town shall at all times conduct themselves in an orderly manner and shall not exhibit any loud, boisterous, unseemly behavior, or disturb or annoy any other legitimate users of the park or residents adjacent to the park property. (Ord.169, 1995)

**12.04.050 Glass Containers Prohibited.** It shall be unlawful for any person to bring, use, or possess a glass container in any public park within the Town except at functions approved by a Resolution of the Board of Trustees of the Town of

Nunn. (Ord. 169, 1995)

**12.04.060 Open Fires Prohibited.** It shall be unlawful for any person to start or maintain an open fire within any public park except in designated receptacles provided in the park by the Town. (Ord. 169, 1995)

**12.04.070 Community Park Facilities and Equipment Fee.** All residential development in the Town of Nunn, Colorado, shall be subject to the payment of a community park facilities and equipment fee at the time of building permit issuance, pursuant to this Section as follows:

| <u>Residential Development<br/>By Type</u> | <u>Development Fee<br/>per Dwelling Unit</u> |
|--|--|
| Single Family Detached                     | \$200  |
| All Other Dwelling Units                   | \$200  |

**12.04.080 Penalty.** Any person who violates any of the provisions of this Ordinance shall be punished by a fine of one hundred dollars (\$100.00). Any person who violates the vandalism provisions of this Ordinance shall be punished by a minimum fine of five hundred dollars (\$500.00). (Ord. 169, 1995; Ord. 222, 2001)

## **Chapter 12.08** **MOUNTAIN VIEW CEMETERY**

### **Sections:**

|           |  |
|-----------|--|
| 12.08.010 | Cemetery Ratification.                         |
| 12.08.020 | Designation and Legal Description of Property. |
| 12.08.030 | Layout of Cemetery.                            |
| 12.08.040 | Issuance of Deed.                              |
| 12.08.050 | Adoption of Rules.                             |
| 12.08.060 | Operation and Maintenance.                     |
| 12.08.070 | Keeping of Records.                            |
| 12.08.080 | Acquisition of Additional Space.               |
| 12.08.090 | Funds.   |
| 12.08.100 | Perpetual Care.                                |
| 12.08.110 | Deterioration of Graves.                       |
| 12.08.120 | Prohibitions.                                  |

**12.08.010 Cemetery Ratification.** The Town of Nunn does establish and ratify the creation of a cemetery, known as the Mountain View Cemetery, for the interment of human remains. The authority for the establishment and regulation of such cemetery is provided in Colorado Revised Statutes, as amended, Section 31-25-701, et seq. (Code, 2002)

**12.08.020 Designation and Legal Description of Property.** The following real property owned by the Town of Nunn is designated in perpetuity as Mountain View Cemetery, subject to such rules and regulations as have been, or may be, adopted by the Town of Nunn, situated in Weld County, Colorado, to-wit: (Code, 2002)

Commencing at a point in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Eight (28), Township Nine (9) North, Range Sixty-Six (66) West of the 6th P.M., from whence the Quarter corner on the North side of Section 28 bears North 45° East a distance of 42.44 feet; thence East at right angles to the last described line, 340.76 feet; thence North with an angle 91°17' between the last above described line and this line, 260 feet to the point of beginning.

The last above described line is parallel to and 30 feet distant from the North and South Quarter section line of Section 28. Also, the angle between the North and East lines of the above described tract is 88°43'. (Code, 2002)

**12.08.030 Layout of Cemetery.** Mountain View Cemetery is laid out and divided into three (3) blocks numbered 1, 2, and 3, with a roadway around the three blocks and a roadway between each block. Each block is divided into lots of 600 square feet in each lot which measures 20 feet by 30 feet. Each block has thirty (30) lots. All lots are numbered and marked with the block number and lot number by a cement marker at each northeast corner of the lot. The marker is set in the ground with the top level with the ground. (Code, 2002)

The numbers start with the northeast corner of the block and are numbered as sections in a township are numbered, Lot Numbers. 1 through 15 going west and Lot Numbers. 16 through 30 going east. Lots are measured starting in the northeast corner of Block 1, 20 feet to west and 30 feet to south, making thirty (30) lots, each of which measures 20 feet by 30 feet. Blocks are numbered from north to south 1-2-3 with roadway between each block. Blocks 2 and 3 numbered same as Block 1. (Code, 2002)

Each lot is divided into fourteen (14) grave sites which are numbered on the plat of the cemetery. (Code, 2002)

The plat of the cemetery shall be kept in the Town Clerk's office and all burials that are made shall be marked on a copy of the plat and a record shall be made of each burial. (Code, 2002)

**12.08.040 Issuance of Deed.** The issuance of a deed or other certificate of ownership for a lot or grave site does not vest absolute title in the owner, but only grants a license to use the lot or grave site for the interment of human remains, subject to any rules and regulations as have been adopted, or may be adopted by the Town from time to time. (Code, 2002)

**12.08.050 Adoption of Rules.** The Board of Trustees may adopt, by Resolution, rules and regulations for the cemetery and may, by Resolution, amend such rules and regulations. (Code, 2002)

**12.08.060 Operation and Maintenance.** The operations and maintenance of the Mountain View Cemetery shall be under the general supervision and control of the Board of Trustees. The Board of Trustees may appoint a citizens cemetery committee to advise and assist the Board concerning the operation of the cemetery. The Board of Trustees may assign the specific operations and maintenance of the cemetery to the Town Clerk or some other Town employee. (Code, 2002)

**12.08.070 Keeping of Records.** The Town Clerk shall keep all records of the sale of the cemetery lots and grave sites, prepare deeds for signature of the Mayor, and upon request of the Town Board, make reports of all lot and grave site sales, unsold grave sites available, and such other information as requested by the Town Board. (Code, 2002)

**12.08.080 Acquisition of Additional Space.** The Town may purchase or otherwise acquire additional cemetery

space for the enlargement of the cemetery at the discretion of the Town Board. (Code, 2002)

**12.08.090 Funds.** All funds received from cemetery lot and grave site sales, grave openings and closing, donations, and similar receipts shall be deposited in the Town general fund. (Code, 2002)

**12.08.100 Perpetual Care.** The Town shall undertake to give all lots and grave sites sold in Mountain View Cemetery perpetual care which shall include the maintenance of a lawn thereon, but the Town does not undertake and agree to make any repairs on any monuments, headstones, vaults, or other improvements that are erected or placed on the lots or grave sites. (Code, 2002)

**12.08.110 Deterioration of Graves.** The Town shall not be responsible for the deterioration or damage to any lots or graves sites. (Code. 2002)

**12.08.120 Prohibitions.** Pursuant to the authority granted by Colorado Revised Statutes, as amended, Section 31-25- 702, the Town of Nunn prohibits the establishment of any other cemetery within one mile of the limits of the Town of Nunn. (Code, 2002)

**TITLE 13**  
**UTILITIES**

**Chapters:**

|                     |  |
|---------------------|--|
| <b><u>13.04</u></b> | <b><u>WATER ACTIVITY ENTERPRISE</u></b>    |
| <b><u>13.08</u></b> | <b><u>WATER SYSTEM</u></b>                 |
| <b><u>13.12</u></b> | <b><u>WATER RATES AND RESTRICTIONS</u></b> |

**Chapter 13.04**  
**WATER ACTIVITY ENTERPRISE**

**Sections:**

|           |   |
|-----------|---|
| 13.04.010 | Establishment of Water Activity Enterprise. |
| 13.04.020 | Authorization to Issue Revenue Bonds.       |

**13.04.010 Establishment of Water Activity Enterprise.**

A. In order to continue to maintain water activity enterprises for the purpose of pursuing or continuing water activities, including water acquisition or water projects or facility activities, including the construction, operation, repair, and replacement of water facilities, a Water Activity Enterprise is hereby established, pursuant to the provisions of C. R.S., Section 37-45-101, et seq. Such shall be known as the "Town of Nunn, Colorado, Water Activity Enterprise," and shall have all powers and authority granted to water activity enterprises by state law. (Ord. 182, 1996)

B. Such Water Activity Enterprise shall be wholly owned by the Town of Nunn and shall not be combined with any water activity enterprise owned by any other state or local governmental entity. This section shall not limit the authority of the Water Activity Enterprise to contract with any other person or entity, including other districts or water activity enterprises. (Ord. 182, 1996)

C. The governing body of the Water Activity Enterprise shall be the Board of Trustees of the Town of Nunn. (Ord. 182, 1996)

D. The governing body of the Water Activity Enterprise may exercise the Town of Nunn's legal authority relating to all water activities, but such Enterprise may not levy any tax which is subject to Section 20(4) of Article X of the State Constitution. (Ord. 182, 1996)

**13.04.020 Authorization to Issue Revenue Bonds.**

A. The Water Activity Enterprise, through its governing body, may issue revenue bonds in accordance with the provisions of state law. (Ord. 182, 1996)

B. The Water Activity Enterprise is authorized to issue bonds payable from the revenues derived or to be derived from the functions, services, benefits, or facilities of the Enterprise or from any other available funds of the Enterprise. The terms, conditions, and details of said bonds, notes, and other obligations, the procedures related thereto, and the refunding thereof shall be set forth in the Resolution authorizing said bonds, notes, or other obligations. (Ord. 182, 1996)

C. The Water Activity Enterprise may contract with the Colorado Water Conservation Board of any other governmental source of funding for loans and grants related to water activity enterprise functions, and the Water Activity Enterprise may contract with the Colorado Water Resources and Power Development Authority for loans or other available financial assistance related to Water Activity Enterprise functions. (Ord. 182, 1996)

### **Chapter 13.08** **WATER SYSTEM**

#### **Sections:**

|           |  |
|-----------|--|
| 13.08.010 | Creation of water Department.  |
| 13.08.020 | Administrator; Powers.   |
| 13.08.030 | Appropriation of Water.  |
| 13.08.040 | Receipts and Deposits.   |
| 13.08.050 | Inspections.   |
| 13.08.060 | Application for Water.   |
| 13.08.070 | Tapping Charge.  |
| 13.08.080 | Size of Service Tap.   |
| 13.08.090 | Metering of Water.   |
| 13.08.100 | Service Line Regulations.  |
| 13.08.110 | Waste of Water Prohibited.   |
| 13.08.120 | No Use During Fire Alarms.   |
| 13.08.130 | Water Rates.   |
| 13.08.140 | Water Bills, Payment, Penalty, Shut-Off, and Abatement.                  |
| 13.08.150 | Delinquent Rent Must be Paid.  |
| 13.08.160 | Property Charged with Rent.  |
| 13.08.170 | Unpaid Water Rents a Lien.   |
| 13.08.180 | Charge for Turning Water on for Delinquents.                             |
| 13.08.190 | Unlawful Acts.   |
| 13.08.200 | Regulations Part of Contract.  |
| 13.08.210 | Change in Fees/Costs by Resolution.                                      |
| 13.08.220 | Policies in Regard to the Activation and/or Re-Activation of Water Taps. |
| 13.08.230 | Penalties.   |

**13.08.010 Creation of Water Department.** There is hereby created and established a water department of the Town of Nunn, Colorado, for the purpose of the management, maintenance, care, and operation of the water works of the Town. (Ord. 124, 1974)

**13.08.020 Administrator; Powers.** The Town Administrator shall have the immediate control and management of all things pertaining to the Town water works system, and he shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works, subject to the approval and confirmation of the Board of Trustees. The Board shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary. (Ord. 124, 1974)

**13.08.030 Appropriation of Water.** The Water of the Foxhills Sandstone formation underlying the Town of Nunn, Colorado, is hereby appropriated for the exclusive use and benefit of the water department of the Town of Nunn to provide a supply of domestic water for the inhabitants of the Town of Nunn, Colorado. The drilling of wells for the production of water from the Foxhills Sandstone, found at approximately 485 feet, by private individuals or corporations in the Town site of Nunn, Colorado, is prohibited due to the danger of pollution of the Fox hills formations, which would be injurious to the health of the inhabitants of the Town of Nunn, Colorado, and for the further reason such drilling of water wells would deplete the supply of water to the Town. (Ord. 124, 1974)

**13.08.040 Receipts and Deposits.** The Town Clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same and deposit the proceeds so collected with the Town Treasurer to the credit of the water works fund of the Town and in accordance with the direction of the Board. (Ord. 124, 1974)

**13.08.050 Inspections.** Whenever in the judgment of the Administrator he deems it necessary, he may inspect the premises or buildings of any water consumer for the purpose of examining the conditions of all pipes, motors, meters and water fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water. (Ord. 124, 1974)

**13.08.060 Application for Water.** Application for the use of water shall be made to the Town Clerk by the owner of agent of the property and stating the purpose for which the water may be required. (Ord. 124, 1974)

**13.08.070 Tapping Charge.** Upon the application for a new tap and service connection by any consumer within the corporate limits of the Town, the applicant shall pay to the Town Clerk the sum of \$7,500.00, plus a one-acre foot allocation of Northern Colorado Water Conservatory District municipal water, as tap fee. The cost of the corporation caulk, fittings, installation of the tap, the necessary pipe from the main to the curb box and necessary trenching and backfilling shall be at the expense of the applicant. The tap shall be installed by the Town and under the supervision of the Town Superintendent. The Town shall own and maintain the water line from the main to the curb box and the property owner shall own and maintain the service line from the curb box to the premises serviced. All work upon the service line shall be performed by a licensed plumber. In the event the water main or water line has to be extended, applicant shall pay the cost of extending the line. (Ord. 124, 1974; Ord. 214, 1999; Ord. 226, 2002)

**13.08.080 Size of Service Tap.** No service tap shall be more than 3/4-inch in diameter provided that the Board may grant special permission for larger taps where the water supply and service facilities are sufficient to permit such



taps. Where a larger tap is permitted, the Board shall fix the tapping charge therefor. (Ord. 124, 1974)

**13.08.090 Metering of Water.** All water sold by the Town shall be metered by meters which may be installed either in a curb box or inside of the building at the option of the property owner. All water meters shall be owned by the Town. (Ord. 124, 1974)

**13.08.100 Service Line Regulations.** No more than one building shall be permitted to use a water service line. Only approved pipe shall be used for the installation of a service line and all service lines shall be installed at a depth of at least sixty inches below the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off. (Ord. 124, 1974)

**13.08.110 Waste of Water Prohibited.** Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for Code violations, the water supply may be turned off where any such waste occurs. (Ord. 124, 1974)

**13.08.120 No Use During Fire Alarms.** During all alarms of fire, the use of hose and all outlets where a constant flow of water is maintained is positively forbidden. (Ord. 124, 1974)

**13.08.130 Water Rates.** All water sold by the Town shall be sold at rates to be determined by the Board of Trustees and the Mayor of the Town. (Ord. 124, 1974)

**13.08.140 Water Bills, Payment, Penalty, Shut-Off, and Abatement.** Water meters shall be read on the 27<sup>th</sup> day of each month, as nearly as possible, and bills shall be mailed on the first day of each succeeding month. All water bills shall be due on or before the 15<sup>th</sup> day of the month following the reading of the meter and, if not paid by the 15<sup>th</sup>, a penalty of five dollars (\$5.00) shall be added thereto and charged to the property pursuant to Section 1-16 of this Ordinance. The person residing on the property or the property owner may request abatement of any monetary or shut-off penalty upon petition to the Board of Trustees or its designate, which may be granted for good cause shown for the period up to and until the next regularly scheduled meeting of the Board of Trustees, at which meeting the petition for abatement shall be reviewed and decided upon by the Board of Trustees. (Ord. 124, 1974; Ord. 214, 1999)

**13.08.150 Delinquent Rent Must be Paid.** In case there shall be any water rent delinquent and the supply has been turned off, the water shall not be turned on again until all such delinquent water rents have been paid. (Ord. 124, 1974)

**13.08.160 Property Charged with Rent.** All water rents shall be charged against the property served and against the owner thereof and, if for any cause any sums owing therefor become delinquent, the water shall be cut off and in no case shall it be turned on to the same property until such delinquencies shall have been paid in full. Change of ownership or occupation shall not affect the application of this Section. (Ord. 124, 1974; Ord. 214, 1999)

**13.08.170 Water Bills, Payment, Penalty, Shut-Off, and Abatement.** Water meters shall be read on the 27<sup>th</sup> day of each month, as nearly as possible, and bills shall be mailed on the 1<sup>st</sup> day of the next month. If a bill is not paid within forty (40) days of such mailing date, a shut-off notice will be mailed and a five dollar (\$5.00) delinquency charge will be added. If such bill and delinquency charge is not paid within an additional five (5) days, the water service to the property may be shut off by the Town. The person residing on the property or the property owner may request abatement of any money or shut-off penalty upon petition to the Board of Trustees which may be granted for good cause shown for

a period not to exceed the next regularly scheduled meeting date of the Board of Trustees, at which meeting the petition for abatement shall be reviewed and decided upon by the Board of Trustees. (Ord. 221, 2001)

**13.08.180 Charge for Turning Water On.**

A. If the water supply to any premises is turned off for any reason, a charge of fifty dollars (\$50.00) shall be made for turning the water back on. (Ord. 124, 1974)

B. If the water supply to any premises is turned off for any reason relating to owner repairs and maintenance, a charge of fifteen dollars (\$15.00) shall be made for turning the water back on. (Ord. 124, 1974)

**13.08.190 Unlawful Acts.** It shall be unlawful for any person to use or take water from the Town water works without a permit therefor or to make any fraudulent representation for the purpose of obtaining water or for any person to take or use water from the water works for a difference purpose or purposes than provided in the customer's permit or for any person to willfully or unreasonably waste water or for any person to violate any of the regulations set forth in this Chapter. Each and every such unlawful act shall constitute a violation of this Code and shall be punishable as herein provided. (Ord. 124, 1974)

**13.08.200 Regulations Part of Contract.** All regulations contained in this section shall be considered a part of the contract of every person taking water from the water works of the Town, and every person taking water shall be considered as having expressly consented to be bound thereby. (Ord. 124, 1974)

**13.08.210 Change in Fees/Costs by Resolution.** Any future modification of charges, fees, or costs as experienced in this ordinance may be modified by the Town Board by Resolution. (Ord. 214, 1999)

**13.08.220 Policies in Regard to the Activation and/or Re-Activation of Water Taps.**

A. **Written Documentation of Ownership.** Any person providing the Town with written documentation showing proof of ownership of a water tap shall be authorized to activate such tap in accordance with the subject documentation without additional fees being imposed by the Town, subject to the following conditions: (Ord. 218, 2000)

1. The Town has the authority to charge reasonable fees to the actual tapping of Town mains and the extensions of services to properties such as, but not limited to, excavation, street repairs, traffic control, etc. (Ord. 218, 2000)

2. Upon a request to activate or re-activate a tap, the Town has the authority to require additional water rights and/or charge additional fees related to water rights based upon the then current formula for calculating such water rights due. (Ord. 218, 2000)

B. **Establishment of Ownership without Written Documentation.** Any person who is able to substantially establish ownership of a water tap to the satisfaction of the Town but has no written documentation from the Town as to such ownership may be entitled to a fifty percent (50%) reduction on the then current water development and water rights fees as determined by the Board of Trustees. (Ord. 218, 2000)

C. **Pre-Payment of Fee.** Persons wishing to pre-pay any water development or water rights will have a maximum of six

(6) months from the time of pre-payment in which to acquire all necessary building permits and being construction of the facility to which the tap or rights is related. In addition, the actual activation of the subject tap for its intended use must be commenced within one (1) year of the time of pre-payment. Failure to comply with these deadlines will result in a credit being established in the amount of the pre-paid fees toward the future purchase of any water development or water rights fees. No fees will be refunded. The Town Board is hereby authorized to enter into contracts related to pre-payment of fees when, in their opinion, the intent of it his Ordinance is maintained (i.e., transferral of rights and/or payment of fees related to large developments which may require a longer period in which to develop). For those property owners who currently have pre-paid water taps, those taps shall be valued at the date of passage of it his Ordinance at the amount of the then current water tap fee schedule, as established by the Town Board. Those owners shall then have a six (6) month period of time to activate their water tap land if not activated at that time, shall then be required to pay the increase in future tap fees, as established by the Town Board at the time they request activation. (Ord. 218, 2000)

D. De-Activation of a Tap. Following the deactivation of a water tap, the owner shall have a time period not to exceed three (3) years in which to re-activate a tap. The failure of any owner to re-activate a tap for its intended use, in accordance with Town regulations, shall constitute a waiver of all rights of ownership in such tap including all associated water rights. Should the owner then desire water service, he shall apply for the same as if none had previously existed and shall also be required to make an appropriate raw water dedication. (Ord. 218, 2000)

E. Variances. The Town Board is authorized in specific cases, in accordance with procedures provided herein, to grant variances to the strict application of paragraphs C and D above, provided that due to a practical difficulty or unnecessary hardship, which has not been self-imposed, would deprive the owner of the property of the reasonable use of the land or the water tap. (Ord. 218, 2000)

1. Application for Hearing. Any owner affected by a requirement or regulation of paragraphs C or D of this Ordinance may make an application for a variance by with the Town Clerk a written petition specifying the grounds for the request. (Ord. 218, 2000)

2. Town Board Hearing. Upon receipt of the written notice requesting a variance, the Town Board shall hold a hearing at a regularly scheduled meeting or a special meeting to receive input from all affected parties. Upon receiving input from the affected parties and reviewing such request, the Board shall make a final determination. (Ord. 218, 2000)

3. Expiration of Variance. Unless otherwise stated in the Board minutes, all variances not exercised within six months from the date of final action by the Town Board shall become null and void. (Ord. 218, 2000)

**13.08.230 Penalties.** Whenever in any section of this Ordinance or regulation promulgated hereunder, the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm, or corporation who shall be convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than one thousand dollars (\$1,000.00) or imprisoned not to exceed one (1) year, or both so fined and imprisoned. (Ord. 1242, 1974, Code, 2002)

## **Chapter 13.12** **WATER RATES AND RESTRICTIONS**

**Sections:**

- 13.12.010 Water Rates.
- 13.12.020 Watering Restrictions.
- 13.12.030 Prohibition of Water Tanks or Cisterns.
- 13.12.040 Notice to Abate.
- 13.12.050 Abatement.
- 13.12.060 Penalties.

**13.12.010 Water Rates.** The Town Board may, in its discretion, from time to time establish by resolution all rates for use of water and for obtaining water taps and other charges in connection with the Town water system. (Ord. 193, 1997)

**13.12.020 Watering Restrictions.**

A. To conserve the use of water, the Town Board, by Resolution, may establish a schedule for the watering of lawns and gardens during months of historic high water usage. (Ord. 193, 1997)

B. Any person violating such watering schedule shall be assessed a penalty according to the following schedule: (Ord. 193, 1997)

First Violation – Warning (Ord. 193, 1997)

Second Violation -- \$25.00 Penalty (Ord. 193, 1997)

Third Violation -- \$50.00 Penalty (Ord. 193, 1997)

C. Any penalty assessed under this Section shall be billed together with the water bill for the property where such violation occurred, and shall be due together with all other water charges for such property. (Ord. 193, 1997)

D. An administrative appeal of the assessment of any penalty assessed under this Section may be had by submitting a written appeal to the Town Clerk within ten (10) days of the date of the billing on which such penalty appears. Appeals shall be heard by the Town Board at the next regularly scheduled Board meeting. (Ord. 193, 1997)

**13.12.030 Prohibition of Water Tanks or Cisterns.**

A. Water services in the Town of Nunn shall be through the Nunn Water Activity Enterprise or other water utility which has been approved by the Town Board. (Ord. 193, 1997)

B. It shall be unlawful for any person to install or use a water tank, cistern, or similar private water system as a water supply on any property in the Town of Nunn. Nothing herein shall be construed to prohibit the use of private wells which have been issued proper permits and are approved for such use by the Weld County Department of Health. Nothing herein shall be construed to prohibit the keeping of water cooler or other such container for distilled,

filtered, or otherwise purified drinking water, not to exceed ten (10) gallons capacity, provided that such drinking water shall be provided by a commercial dealer which has obtained a business license through the Town Clerk and which complies with all Weld County Department of Health and other applicable regulations and requirements. (Ord. 193, 1997)

**13.12.040 Notice to Abate.**

A. The Town Clerk shall notify the owner of record of the property on which any violation of Section 3.12.030 of this Chapter has occurred, by certified mail, return receipt requested, and may also give notice by personal service or by posting on the property that if the violation is not corrected within ten (10) days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in Municipal Court to answer charges for the violation of this Ordinance or that other appropriate enforcement will be taken. (Ord. 193, 1997)

B. At the expiration of the ten (10) day notice period, in addition to any other remedy, the Town of Nunn may abate any violation of Section 3 of this Ordinance as a "nuisance" and obtain appropriate injunctive relief in any Court having jurisdiction. (Ord. 193, 1997)

**13.12.050 Penalties.** Any person, firm, or corporation violating this Ordinance or any provision is guilty of a civil violation and, upon conviction thereof, shall be punished by a fine or not more than one thousand dollars (\$1,000.00). Each day during which such violation continues shall be deemed a separate offense. (Ord. 193, 19997; Code 2002)

**TITLE 15**  
**BUILDINGS**

**Chapters:**

|                     |   |
|---------------------|---|
| <b><u>15.04</u></b> | <b><u>BUILDING CODE</u></b>               |
| <b><u>15.08</u></b> | <b><u>BUILDING PERMITS REQUIRED</u></b>   |
| <b><u>15.12</u></b> | <b><u>CONVEYANCES AS BUILDINGS</u></b>    |
| <b><u>15.16</u></b> | <b><u>ENERGY EFFICIENCY STANDARDS</u></b> |

**Chapter 15.04**  
**BUILDING CODE**

**Sections:**

|           |   |
|-----------|---|
| 15.04.010 | Administrative Code Adopted by Reference.                                   |
| 15.04.020 | Building Code Adopted by Reference.   |
| 15.04.030 | International Mechanical Code Adopted by Reference.                         |
| 15.04.040 | National Electric Code Adopted by Reference.                                |
| 15.04.050 | Uniform Code for the Abatement of Dangerous Buildings Adopted by Reference. |
| 15.04.060 | Uniform Plumbing Code Adopted by Reference.                                 |
| 15.04.070 | (Reserved for Fire Code Adoption)   |
| 15.04.080 | Uniform Housing Code Adopted by Reference.                                  |
| 15.04.090 | Uniform Code for Building Conservation Adopted by Reference.                |
| 15.04.100 | International Fuel Gas Code, 2000 Edition, Adopted by Reference.            |
| 15.04.110 | Fees and Charges.   |
| 15.04.120 | Violation – Penalty.  |

**15.04.010 Administrative Code Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C.R.S., as amended, there is adopted as the Administrative Code of the Town of Nunn, by reference thereto, the Uniform Administrative Code, 1997 Edition, published by the International Conference of Building Officials, 5630 South Workman Mill Road, Whittier, California, 90601. (Code, 2002)

A. **Title for Citation.** The ordinance codified in this section may be known and cited as the "Uniform Administrative Code of the Town of Nunn, Colorado." (Code, 2002)

B. **Purpose.** The purpose of the Uniform Administrative Code is to provide for the administration and enforcement of the technical codes adopted by the Town. (Code, 2002)

- C. Scope of Regulations. The provisions of this Administrative Code shall serve as the administration, organizational and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use, and occupancy of buildings, structures and building service equipment within this jurisdiction. (Code, 2002)
- D. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform administration and enforcement of the Town's technical codes. (Code, 2002)
- E. Applicability. This section shall apply to every building or structure as defined in said ordinance which is now in existence of which may hereafter be erected, constructed, altered, moved, demolished, or repaired. (Code, 2002)
- F. Administrative Fee. In addition to all other fees required under this section, there shall be an Administrative Fee for each permit issued, such fee to be in the amount as adopted by the Town Board of Trustees by Resolution. (Code, 2002)
- G. Amendments to Fee Schedules. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a Resolution. (Code, 2002)

**15.04.020 Building Code Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C.R.S., as amended, there is hereby adopted as the Building Code for the Town of Nunn, by reference thereto, the Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Code, 2002)

- A. Title for Citation. The ordinance codified in this section may be known and cited as the "Uniform Building Code of the Town of Nunn, Colorado." (Code, 2002)
- B. Purpose. The Building Code is adopted in order to preserve and protect the public health, safety and general welfare, and the safety, protection and sanitation of dwellings, buildings and structures in the Town, and to provide uniform building regulations, generally conforming to similar regulations throughout the county, state, and nation. (Code, 2002)
- C. Scope of Building Code. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures. (Code, 2002)
- D. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform building regulations. (Code, 2002)
- E. Applicability. This section shall apply to every building or structure as defined in said ordinance which is now in existence of which may hereafter be erected, constructed, altered, moved, demolished, or repaired. (Code, 2002)
- F. Application of Regulations. Where, in any specific case, different sections of this Code, the Zoning Code, or other ordinances of the Town specify different materials, methods of construction, or other requirements, the most restrictive shall govern. (Code, 2002)

- G. Section 104.2 is amended by the addition of a sentence to read as follows: Two references may include portions of

the 2000 International Building Code and the 2000 International Residential Code. (Code, 2002)

H. Section 105 is deleted in its entirety and replaced with the following: The members of the Board of Appeals shall be comprised of the members of the Town Board of Trustees. (Code, 2002)

I. Section 106 is amended by the addition of a paragraph to read as follows: Applications for permits shall be made to the Town. Such applications shall conform to submittal requirements of that Town. (Code, 2002)

J. Section 107 is amended by changing Table 1-A and building permit fees, per contract. (Code, 2002)

K. Section 108.7 is amended by adding additional inspections: Insulation: After all insulation has been installed. In addition to the requirements of the Uniform Building Code and the State of Colorado regulations, insulation in residential buildings shall conform to the following standards: (Code, 2002)

| <u>Portion of Buildings</u>                                       | <u>R-Value</u> |
|---|----------------|
| Ceilings  | R-30           |
| Sidewalls   | R-11           |
| Subfloors over unheated<br>crawlspaces or sidewalls of foundation | R-11           |

(Code, 2002)

| <u>Portion of Buildings</u> | <u>R-Value</u> |
|-----------------------------|----------------|
| Windows                     | Double-glazed  |
| Sliding glass doors         | Double-glazed  |

(Code, 2002)

L. Section 109.1 is amended to read as follows: No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Town Official has issued a Certificate of Occupancy therefore as provided herein. (Code, 2002)

The exception for Group R, Division 3 and Group U occupancies is hereby deleted. (Code, 2002)

M. Section 219 is amended by adding a new definition to read as follows: Room, Sleeping (Bedroom) is a habitable room within a dwelling unit with a closet, designed for or used by the occupants primarily for the purpose of sleeping. (Code, 2002)

N. Section 310.6 is amended by the addition thereto of an exception following the first paragraph thereof to read as follows: **EXCEPTION:** A habitable basement room which is accessory to a dwelling unit located above may have a ceiling height of seven feet (7') as measured from the floor to finished ceiling. Projections such as beams, piping, and



ducts shall not reduce the ceiling height to less than six feet eight inches (6'8"). (Code, 2002)

O. Section 310.4 is amended by adding to the fifth paragraph to read as follows: Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape or rescue windows and window wells at all other basement windows with egress window dimensions shall comply with the following: (Code, 2002)

P. Section 310.4, #2, is amended to require only one fixed ladder if the basement is unfinished. (Code, 2002)

Q. Section 310.9.1.2 is deleted in its entirety and replaced with the following: When one (1) or more sleeping rooms are added or created in the existing Group R Occupancies, the entire dwelling unit shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein. (Code, 2002)

R. Section 509.1 is amended by adding a second paragraph to read as follows: All area wells, stair wells and light wells attached to any building that are located less than thirty-six inches (36") from the nearest intended walking surface and deeper than thirty inches (30") before the surrounding ground level, creating an opening greater than twenty-four inches (24") measured perpendicular from the building and with the side walls of such well having a slope steeper than two (2) horizontal to one (1) vertical, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier. (Code, 2002)

#### **EXCEPTIONS:**

1. The access side of stairways need not be barricaded. (Code, 2002)

2. Area wells that provide for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section 310.4 of this Code. (Code, 2002)

3. Covers and grates may be used over stairways and other openings used exclusively for the service access or for admitting light or ventilation. (Code, 2002)

S. Section 1003.3.1.6 is amended by adding a new item, 1.4 under exception 1 to read as follows: 1.4 Exterior doors, other than the main entrance door to a dwelling unit, may open at one intervening exterior step that is equally spaced between the interior floor level above an exterior landing below provided the step has a minimum tread depth of twelve inches (12"), a maximum width equal to the door width; and provided the door does not swing over the step. (Code, 2002)

T. Section 1003.3.1.6 is amended by the addition of a paragraph thereto to read as follows: All exterior steps, walks, decks, and patios serving as exterior door landings or exterior stairs shall be adequately anchored to the building or otherwise permanently secured in place by approved methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods. (Code, 2002)

U. Section 1103.1.9.2 is amended by deleting the first sentence hereunder and replacing it with the following: Hotels, lodging houses and congregate residences shall be provided with accessible units complying with the most current standards promulgated by the American National Standards Institute A117.1 standard. This shall apply to one (1) unit for each seven (7) units or major fraction thereof as follows: (Code, 2002)

| Total number of Units | Accessible Units Required |
|-----------------------|---------------------------|
| 7                     | 0                         |
| 8 to 14               | 1                         |
| 15 to 21              | 2                         |
| 22 to 28              | 3                         |
| 29 to 35              | 4                         |
| 36 to 42              | 5                         |
| Etc.                  | Etc.                      |

(Code, 2002)

V. Section 1203.2 is amended by deleting the exception in its entirety and adding two new exceptions thereto to read as follows: (Code, 2002)

**EXCEPTIONS:**

1. Artificial light may be substituted for natural light for all habitable rooms in basements other than in sleeping rooms, provided such rooms are not a part of a dwelling unit located in a basement. (Code, 2002)
2. Kitchens in Group R Occupancies may be provided with artificial light. (Code, 2002)

W. Section 1614 is amended by entirely deleting the provisions thereunder and replacing them with the following: Buildings and other structures and all portions thereof that are subject to snow loading shall be designed to resist such snow loads in accordance with Appendix Chapter 16, Division 1, wherein the "ground snow load" shall be 30 pounds per square foot (pst). (Code, 2002)

X. Section 1618 is amended by entirely deleting the provisions thereunder and replacing them with the following: Basic wind speed. The minimum basic wind speed for determining design wind pressure shall be one hundred miles per hour (100 mph), exposure (C); however, if a licensed architect or engineer determines that a property should be assigned an exposure (B) the building may be designed to that exposure. (Code, 2002)

Y. Table 18-1-C is amended by the addition of a footnote to read as follows: Foundations shall be designed and the construction drawings stamped by a Colorado registered professional engineer or licensed architect. The foundation design must be based on an engineer's soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification for setbacks is required on all new Group R Division 3 occupancies and all new commercial projects. (Code, 2002)

Z. Section 2201 is amended by adding Section R505 for steel floor framing as it appears in the publication of the International Code Counsel, Inc., known as the 2000 International Residential Code. (Code, 2002)

AA. Table 23-IV-J-1 and Section 2320.8.1 are amended by adding a second paragraph to read: Floor joist systems must be installed a maximum of 19.2 inches on center, unless a minimum 1¼-inch floor deck is installed, or an engineered drawing with a State of Colorado architect or engineer stamp is provided for each property. (Code, 2002)

BB. Table 23-IV-B is amended by adding a paragraph to read: All studs in exterior walls, bearing or non-bearing in Group R Occupancies shall be a maximum of sixteen inches (16") on center, or an engineered drawing with a State of Colorado architect or engineer stamp provided for each property. (Code, 2002)

CC. Appendix Chapter 15, Section 1516.2, is amended by adding a paragraph #8 to read as follows: After the application of three (3) layers, all existing overlays shall be removed to the roof decking when installing new roof coverings. (Code, 2002)

**15.04.030 International Mechanical Code Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C.R.S., as amended, there is hereby adopted as the Mechanical Code of the Town of Nunn, by reference thereto, the International Mechanical Code, 1998 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, and the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789. (Code, 2002)

A. Title of Citation. The ordinance codified in this section may be known and cited as the "International Mechanical Code of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, and cooling producing appliances within this jurisdiction. (Code, 2002)

C. Scope of Provisions. The subject matter of the Mechanical Code establishes comprehensive provisions, standards, and regulations for materials, installation methods, inspection, and other matters relating to heating, ventilation, cooling and refrigeration in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures. (Code, 2002)

D. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform mechanical regulations. (Code, 2002)

E. Applicability of Regulations. This section shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished, or repaired. (Code, 2002)

F. Section 109 is deleted. (Code, 2002)

**15.04.040 National Electric Code Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C.R.S., as amended, by reference thereto, the National Electric Code, 2002 Edition, published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted for the Town of Nunn. (Code, 2002)

A. Title for Citation. The ordinance codified in this section may be known and cited as the "National Electrical Code of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of this Code is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems. (Code, 2002)

C. Scope of Provisions. The subject matter of the electrical code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection, and other matters relating to electrical systems in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures. (Code, 2002)

D. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform electrical regulations. (Code, 2002)

E. Applicability of Regulations. This section shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished, or repaired. Electrical systems lawfully in existence at the time of adoption of this Code may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such electrical systems. (Code, 2002)

**15.04.050 Uniform Code for the Abatement of Dangerous Buildings Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C.R.S., there is hereby adopted as the Abatement of Dangerous Buildings Code of the Town of Nunn, by reference hereto, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Code, 2002)

A. Title for Citation. The ordinance codified in this section may be known as the "Uniform Code for the Abatement of Dangerous Buildings of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this Code includes rules and regulations, provides for inspections, and establishes standards for the abatement of unsafe buildings by repair, rehabilitation, demolition or removal. (Code, 2002)

C. Scope of Provisions. The subject matter of the Code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to the abatement of dangerous buildings in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures. (Code, 2002)

D. Applicability of Regulations. This section shall apply to all dangerous buildings, as defined in the document adopted in this section, which are now in existence or which may hereafter become dangerous within the Town. (Code, 2002)

E. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding the abatement of dangerous buildings. (Code, 2002)

**15.04.060 Uniform Plumbing Code Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C.R.S., as amended, by reference thereto, the Uniform Plumbing Code, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, is hereby adopted for the Town of Nunn. (Code, 2002)

A. Title for Citation. The ordinance codified in this section may be known and cited as the "Uniform Plumbing Code of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of this Code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance for use of plumbing systems. (Code, 2002)

C. Scope of Provisions. The subject matter of the Plumbing Code establishes comprehensive provisions, standards, and regulations for materials, installation methods, inspection, and other matters relating to plumbing systems in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures. (Code, 2002)

D. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform plumbing regulations. (Code, 2002)

E. Applicability of Regulations. This section shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished, or repaired. Plumbing systems lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance, or repair is in accordance with the original design and location if no hazard to life, health, or property has been created by such plumbing system. (Code, 2002)

F. Section 101.4.1.4 is deleted entirely and replaced with the following: The Administrative Authority is the Chief Building Official of Colorado Inspection Agency and his/her authorized representative. The Administrative Authority will decide which Code shall prevail if there is a conflict between the adopted Codes. (Code, 2002)

G. Table 4-1 is amended as follows: Table 4-1 of the 1997 Uniform Plumbing Code is hereby deleted and Appendix Table A-29-A of the 1997 Uniform Building Code is adopted to establish these requirements. (Code, 2002)

K. Section 413 is amended as follows: Sections 413.0 through 413.6 as they appear in the 1997 UPC are hereby deleted. Section 413.7 as it appears in the 1997 UPC becomes Section 413.0 by this amendment. (Code, 2002)

**15.04.070** (Reserved for Fire Code adoption.)

**15.04.080 Uniform Housing Code Adopted by Reference.** Pursuant to Section 31-16- 201, et seq., C.R.S., there is hereby adopted as the housing code of the Town, by reference thereto, the Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Code, 2002)

A. Title for Citation. The ordinance codified in this Section may be known and cited as the "Uniform Housing Code of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of the Uniform Housing Code, 1997 Edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the jurisdiction of the Town. (Code, 2002)

C. Scope of Provisions. The subject matter of the housing code establishes comprehensive provisions, standards, and regulations for materials, installation methods, inspection and other matters relating to housing in

connection with the erection, construction, enlargement, alteration, repair, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures. (Code, 2002)

D. Applicability of Regulations. The provisions of this Section shall apply to all buildings or portions thereof used or designed or intended to be used for human habitation. (Code, 2002)

E. Interpretation of Provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform housing regulations. (Code, 2002)

**15.04.090 Uniform Code for Building Conservation Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C. R.S., there is hereby adopted as the Building Conservation Code of the Town, by reference thereto, the Uniform Code for Building Conservation, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Code, 2002)

A. Title for Citation. The ordinance codified in this Section may be known and cited as the "Uniform Code for Building Conservation of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of the Uniform Code for Building Conservation, 1997 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this code includes rules and regulations, provides for inspections and establishes standards for building conservation. (Code, 2002)

C. Scope of Provisions. The subject matter of the Code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to building conservation. (Code, 2002)

D. Applicability of Regulations. This Section shall apply to all buildings, as defined in the document adopted in this Section, which are now in existence or which may hereafter be built within the Town. (Code, 2002)

E. Interpretation of Provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding building conservation. (Code, 2002)

**15.04.100 International Fuel Gas Code, 2000 Edition, Adopted by Reference.** Pursuant to Section 31-16-201, et seq., C. R.S., there is hereby adopted as the Fuel Gas Code of the Town, by reference thereto, the International Fuel Gas Code, 2000 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401. (Code, 2002)

A. Title for Citation. The ordinance codified in this Section may be known and cited as the "International Fuel Gas Code of the Town of Nunn, Colorado." (Code, 2002)

B. Purpose. The purpose of the International Fuel Gas Code, 2000 Edition, is to protect the health and welfare of the residents of the Town. The subject matter of this code includes rules and regulations, providing for standards addressing the design and installation of fuel gas systems and gas fire appliances. (Code, 2002)

C. Scope of Provisions. The subject matter of the Code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to fuel gas systems and gas fire appliances. (Code, 2002)

D. Applicability of Regulations. This Section shall apply to all buildings, as defined in the document adopted in this Section, which are now in existence or which may hereafter be built within the Town. (Code, 2002)

E. Interpretation of Provisions. This Section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding fuel gas systems and gas fire appliances. (Code, 2002)

**15.04.110 Fees and Charges.** Any fees and charges provided for in this Chapter VI may be amended by Resolution adopted by the Board of Trustees. (Code, 2002)

**15.04.120 Violation – Penalty.**

A. It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of the Codes adopted in this chapter. (Code, 2002)

B. Any person, firm, or corporation violating any of the provisions of the Codes adopted in this chapter shall be deemed guilty of a misdemeanor, and each such person 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 these Codes are committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine or not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. (Code, 2002)

**Chapter 15.08**  
**BUILDING PERMITS REQUIRED**

**Sections:**

|           |  |
|-----------|--|
| 15.08.010 | General Provisions.  |
| 15.08.020 | Building Permits Required.   |
| 15.08.030 | Procedure for Obtaining Building Permits.                                |
| 15.08.040 | Requirements for Structures for Which In-Town Building Permits Required. |
| 15.08.050 | Requirements for Structures for Which no Building Permit Required.       |
| 15.08.060 | Fees.  |
| 15.08.070 | Removal.   |
| 15.08.080 | Notice.  |
| 15.08.090 | Abatement.   |
| 15.08.100 | Interpretation, Conflict with Other Laws.                                |
| 15.08.110 | Effect on Prior Ordinance.   |
| 15.08.120 | Penalties.   |

**15.08.010 General Provisions.** It shall be unlawful to erect, construct, reconstruct, alter, move, locate, use, or change the use of any building or other structure within the Town limits without obtaining a building permit as required by this

Ordinance or otherwise complying with this Ordinance. (Ord. 186, 1996)

**15.08.020 Building Permits Required.**

A. Any building or structure, as defined by the Building Code for the Town of Nunn, for which a building permit is required under the provisions of such Building Code, shall not be constructed, located, or otherwise placed in use without a building permit being first obtained, pursuant to the Building Code, for such structure. Such building or structure shall comply with all applicable requirements of the Building Code. (Ord. 186, 1996)

B. Any building or structure, as defined by the Building Code for the Town of Nunn, for which a building permit is not required under such Building Code because it is less than 120 square feet in roof area shall not be constructed, located, or otherwise placed in use, without an In-Town Building Permit being first obtained unless such structure is not to be placed on a permanent foundation, or otherwise permanently installed on the land on which it is located. (Ord. 186, 1996)

**15.08.030 Procedure for Obtaining Building Permits.**

A. An application for building permit, together with plans for the proposed structure shall be submitted to the Planning Commission for review. (Ord. 186, 1996)

B. Upon approval of the issuance of a building permit for any structure subject to regulation and issuance of a building permit under the Building Code, the Town Clerk shall cause a building permit to be issued and appropriate inspection for compliance with the requirements of the Building Code to be undertaken by the Weld County Department of Building Inspection or other agency or person with which the Town may contract for building inspection services. (Ord. 186, 1996)

C. Upon approval of the issuance of the In-Town Building Permit, the Town Clerk shall issue an In-Town Building Permit and arrange for inspection by the Town Public Works Foreman or other appropriate official or agent of the Town. (Ord. 186, 1996)

D. Upon approval of the issuance of either a building permit under paragraph B or an In-Town Building Permit under paragraph C, no permit shall be issued or further action shall be taken until the appropriate building permit inspection fee has been paid. (Ord. 186, 1996)

**15.08.040 Requirements for Structures for Which In-Town Building Permits Required.**

A. Any structure for which an In-Town Building Permit is required under this Ordinance need not comply with all the requirements of the Building Code of the Town of Nunn. (Ord. 186, 1996)

B. Any structure for which an In-Town Building Permit is required shall comply with the following requirements: (Ord. 186, 1996)

1. Such structure may not be placed within any required setback or on any easement or right-of-way. (Ord. 186, 1996)



2. Such structure, when combined with all other structures on the lot or parcel of land on which such structure is located, shall not exceed the minimum open space requirements of the Zoning Ordinance. (Ord. 186, 1996)
3. Such structure shall be made of quality materials and shall be constructed in a workmanlike manner. (Ord. 186, 1996)
4. Such structure shall not be connected to electricity, water, or any other utility service without a building permit being obtained for such utility connection. (Ord. 186, 1996)
5. Such structure shall not be a fire hazard, environmental hazard, or otherwise jeopardize the public health or safety. (Ord. 186, 1996)
6. Such structure and its use shall fully conform to the zoning requirements. (Ord. 186, 1996)

**15.08.050 Requirements for Structures for Which No Building Permit Required.**

A. Structures for which no building permit is required, shall comply with the following requirements: (Ord. 186, 1996)

1. Such structure may not be placed within the required setback, or on any easement or right-of-way. (Ord. 186, 1996)
2. Such structure, when combined with all other structures on the lot or parcel of land on which such structure is located, whether or not building permits would be required for all structures on the lot or parcel of land, shall not exceed the minimum open space requirements of the Zoning Ordinance. (Ord. 186, 1996)
3. Such structure shall not be connected to electricity, water, or any other utility service without a building permit being obtained for such utility connection. (Ord. 186, 1996)
4. Such structure shall not be a fire hazard, environmental hazard, or otherwise jeopardize the public health or safety. (Ord. 186, 1996)
5. Such structure and its use shall fully conform to the zoning requirements. (Ord. 186, 1996)

B. Nothing herein shall be construed to allow a structure, for which no building permit is required, to violate any other applicable ordinance or regulation. (Ord. 186, 1996)

**15.08.060 Fees.** For all building permits required, a fee established by schedule shall be charged by the Town of Nunn. (Ord. 186, 1996)

**15.08.070 Removal.** It shall be the duty of any person owning, or having control of, any lot or parcel of land on which a structure has been unlawfully located to cause said structure to be removed within ten (10) days upon notice of said violation being given by the Town. (Ord. 186, 1996)

**15.08.080 Notice.** The Town Clerk shall notify the owner of record of the property on which any structure is located in violation of this Chapter by first class mail, and may also give notice by personal service or by posting on

the structure, that if the structure is not removed from the property within ten (10) days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in Municipal Court to answer charges for the violation of this Ordinance. (Ord. 186, 1996)

**15.08.090 Abatement.** At the expiration of the (10) day notice period, in addition to any other remedy, the Town of Nunn may abate any violation of this Chapter as a "nuisance." (Ord. 186, 1996)

**15.08.100 Interpretation, Conflict with Other Laws.** Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standard, shall govern. (Ord. 186, 1996)

**15.08.110 Effect On Prior Ordinance.** To the extent such is inconsistent herewith, this Chapter shall supersede the Zoning Code, Ordinance No. 120, as of the effective date of this Ordinance. (Ord. 186, 1996)

**15.08.120 Penalties.** Any person, firm, or corporation violating this Ordinance is guilty of a civil violation and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Each day during which such violation continues shall be deemed a separate offense. (Code, 2002)

## **Chapter 15.12** **CONVEYANCE AS BUILDINGS**

### **Sections:**

- 15.12.010 Use of Conveyance as a Building.
- 15.12.020 Removal.
- 15.12.030 Notice.
- 15.12.040 Abatement.
- 15.12.050 Penalties.

### **15.12.010 Use of a Conveyance as a Building.**

#### A. General Provisions.

1. For the purpose of this Chapter, a conveyance means a railway coach or car, streetcar, bus, airplane, trailer, semi-trailer, or similar structure, vehicle, or device originally intended for transporting people or goods. (Ord. 187, 1996)
2. For the purposes of this Chapter, a building means a structure for the support or shelter of any use or occupancy. (Ord. 187, 1996)
3. A person shall not place or use a conveyance as a building for the operation of a use, except as specifically permitted by this Chapter. (Ord. 187, 1996)

4. A person may use a conveyance as a temporary office but not as a residence in connection with any permitted temporary use. A permit for such temporary use may be granted for a limited term, upon review by the Board of Trustees. The temporary use permit shall specifically permit the use of a conveyance as an office, subject to the following measures to assure sanitary conditions being taken. (Ord. 187, 1996)

(a) If septic system facilities are available, temporary plumbing connections shall be made as prescribed by the Town's Building Code. No permanent plumbing connection is permitted. (Ord. 187, 1996)

(b) If septic system facilities are not available, sanitation facilities shall be provided as requested following review by the Board of Trustees. (Ord. 187, 1996)

(c) Electrical service connections with the use described in this subsection shall be limited to temporary pole service. (Ord. 187, 1996)

B. Governmental agencies and civic organizations may conduct a use in a conveyance in accordance with this subsection. (Ord. 187, 1996)

1. The use shall be sponsored by and under the direct control of a governmental agency or civic organization. (Ord. 187, 1996)

2. The use shall be a function relating to the public health, safety, and welfare such as drivers training, consumer and homemaking education, dental hygiene, mobile library, mobile x-ray unit, concession stand, or other similar public service use that due to the equipment involved, logistics of scheduling locations and the times needed in a specific community, the use is not appropriate for a permanent location. (Ord. 187, 1996)

3. The conveyance shall be self contained requiring only electrical service. Only one electrical hook-up station served by a separate electrical service accommodating not more than two conveyances is permitted on any premise. The hook-up station shall be installed under permit. (Ord. 187, 1996)

4. The conveyance may be located in any zoning district; however, in residential districts the location is restricted to properties owned and operated by sponsoring agencies. A sponsoring agency may by agreement reciprocate with other sponsoring agencies to use their premises. (Ord. 187, 1996)

5. The conveyance shall comply with all applicable requirements of the Nunn Zoning Code. (Ord. 187, 1996)

C. A person shall not place or use a conveyance as a dwelling unit, except as follows: (Ord. 187, 1996)

1. A person may use a railroad work car, caboose, or converted freightcar as a dwelling unit when it is confined to rails and located on the right-of-way of a railroad doing business as a common carrier, or when said railroad work car, caboose, or converted freight car is being used as a dwelling unit or is incorporated into a dwelling unit on the effective date of this Ordinance. (Ord. 187, 1996)

2. A person may use a self-propelled recreational vehicle or recreational camper as a dwelling unit when specifically approved in the issuance of a temporary use permit for a use allowed by Nunn Zoning Code. (Ord.

187, 1996)

**15.12.020 Removal.** It shall be the duty of any person having control of any lot or parcel of land on which a conveyance described in Section 1. above has been unlawfully located to cause said conveyance to be removed within ten (10) days notice of said violation being given by the Town. (Ord. 187, 1996)

**15.12.030 Notice.** The Town Clerk shall notify the owner of record of the property on which any conveyance is located in violation of this Ordinance by certified mail, return receipt requested, and may also give notice by personal service or by posting on the conveyance, that if the conveyance is not removed from the property within ten (10) days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in Municipal Court to answer charges for the violation of this Section. (Ord. 187, 1996)

**15.12.040 Abatement.** At the expiration of the ten (10) day notice period, in addition to any other remedy, the Town of Nunn may abate said conveyance as a "nuisance." (Ord. 187, 1996)

**15.12.050 Penalties.** Any person, firm, or corporation violating this Ordinance or any provision of applicable state law is guilty of a civil violation and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Each day during which such violation continues shall be deemed a separate offense. (Ord. 187, 1996; Code, 2002)

## **Chapter 15. 16** **ENERGY EFFICIENCY CONSTRUCTION**

### **Sections:**

- 15.16.010 Adoption.
- 15.16.020 Amendments.
- 15.16.030 Penalties.

**15.16.010 Adoption.** Pursuant to Title 31, Article 16, Part 2, Colorado Revised Statutes 1973, as amended, there is hereby adopted as the energy efficiency construction, and renovation standards for non-residential buildings of the Town of Nunn, by reference thereto, the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, adopted November, 1977, and published March, 1978, by the State of Colorado, and as the energy efficiency construction and renovation standards for residential buildings for the Town of Nunn, by reference thereto, the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, adopted November, 1977, and published March, 1978, by the State of Colorado, both to have the same force and effect as if set forth therein in every particular. The subject matter of the adopted standards include comprehensive provisions and standards regulating energy efficiency in design, construction, renovation, erection, enlargement, alteration, repair, conversion, occupancy, equipment and maintenance of certain non-residential and residential buildings and structures for the purpose of protecting the public health, safety, and general welfare. (Code, 2002)

**15.16.020 Amendments.** The Colorado Model Energy Efficiency Construction and Renovation Standards for

Non-Residential Buildings is hereby amended as follows: (Code, 2002)

1. Section 101.1 is deleted in its entirety. (Code, 2002)
2. Section 107.0 is deleted in its entirety. (Code, 2002)

3. The following new Section 108.0 is added, to read: (Code, 2002)

**108.0 Administrative and Appeal Procedures.** Administrative and appeal procedures set forth in Sections 201, 202, and 204, and Chapter 3 of the Uniform Building Code, 1976 Edition, shall be applicable and followed in the administration of this Code. (Code, 2002)

4. Section 302.1 is amended by the inclusion of the following temperatures: (Code, 2002)

|                        |                           |
|------------------------|---------------------------|
| Winter Design Dry-Bulb | -5 degrees F (Code, 2002) |
| Summer Design Dry-Bulb | 88 degrees F (Code, 2002) |
| Summer Design Wet-Bulb | 63 degrees F (Code, 2002) |
| Degree Days Heating    | 6639 (Code, 2002)         |
| Degrees North Latitude | 40 degrees F (Code, 2002) |

5. Section 402.2 (a), Table 5-1, is amended by the addition of the following specific values: (Code, 2002)

Walls, 3 stories or less, Heating Uo not exceeding 0.26 (Code, 2002)

Walls, 3 stories or less, Cooling, OTTV not exceeding 33.5 (Code, 2002)

Walls, over 3 stories, Heating Do not exceeding 0.32 (Code, 2002)

Walls, over 3 stories, Cooling OTTV not exceeding 33.5 (Code, 2002)

Roof/

Ceiling, Heating or Cooling, Do not exceeding 0.07 (Code, 2002)

Floors over unheated spaces, Hating Do not exceeding 0.08 (Code, 2002)

Slab on Grade, Heating, minimum R value Solar Factor (Code, 2002)

Cooling 127 (Code, 2002)

6. Section 701.0 is amended by the addition of the following: (Code, 2002)

SMACNA refers to Sheet Metal and Air Conditioning Contractors National Association. (Code, 2002)

NESCA refers to National Environmental System Contractors Association. (Code,2002)

NYMA refers to National Woodwork Manufacturers Association, Inc. (Code, 2002)

(a) The Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings is hereby amended as follows: (Code, 2002)

- (1) Appendix B, Section 101.1 is deleted, and replaced by the following new Section 101.1 to read: (Code, 2002)

**101.1 Application.** The provisions of Sections 1 through 7 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings, as amended, shall apply to residential buildings except where residential buildings are exempted from such provisions and except where the

provisions of this Code differ from the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Buildings. (Code, 2002)

**15.16.030 Penalties.** It shall be unlawful for any person, firm, or corporation to erect, construct, renovate, enlarge, alter, repair, improve, cover, equip, use, occupy, or maintain any building or structure in the Town of Nunn, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the (aforementioned codes). (Code, 2002)

Any person, firm, or corporation violating any of the provisions of the (aforementioned codes) or of this Ordinance shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or imprisonment of not exceeding ninety (90) days or by both such fine and imprisonment. Each and every day or portion thereof during which any such violation is committed, continued, or permitted shall be considered a separate offense. (Code, 2002)

**TITLE 16**  
**SUBDIVISIONS**

**Chapters:**

|                     |  |
|---------------------|--|
| <b><u>16.04</u></b> | <b><u>GENERAL PROVISIONS</u></b>             |
| <b><u>16.08</u></b> | <b><u>DEFINITIONS</u></b>                    |
| <b><u>16.12</u></b> | <b><u>PROCEDURES FOR SUBMITTING PLAN</u></b> |
| <b><u>16.16</u></b> | <b><u>SKETCH PLAN</u></b>                    |
| <b><u>16.20</u></b> | <b><u>PRELIMINARY PLAN</u></b>               |
| <b><u>16.24</u></b> | <b><u>FINAL PLAT</u></b>                     |
| <b><u>16.28</u></b> | <b><u>PLANNED UNIT DEVELOPMENTS</u></b>      |
| <b><u>16.32</u></b> | <b><u>DESIGN STANDARDS</u></b>               |
| <b><u>16.36</u></b> | <b><u>IMPROVEMENTS AND UTILITIES</u></b>     |
| <b><u>16.40</u></b> | <b><u>VARIANCES</u></b>                      |
| <b><u>16.42</u></b> | <b><u>PROCEDURE FOR MINOR REPLATS</u></b>    |
| <b><u>16.44</u></b> | <b><u>FEE SCHEDULE</u></b>                   |
| <b><u>16.48</u></b> | <b><u>VIOLATION</u></b>                      |

**Chapter 16.04**  
**GENERAL PROVISIONS**

**Sections:**

|           |  |
|-----------|--|
| 16.04.010 | Title for Citation.                                |
| 16.04.020 | Enactment – Charter Authority.                     |
| 16.04.030 | Purpose of Provisions.                             |
| 16.04.040 | Interpretations of Regulations.                    |
| 16.04.050 | General Laws and Criteria for Subdivisions.        |
| 16.04.060 | Territory of Jurisdiction.                         |
| 16.04.070 | Compliance with Provisions Required.               |
| 16.04.080 | Acceptance of Dedicated Lands.                     |
| 16.04.090 | Approval of Plats Prior to Filing and Recordation. |
| 16.04.100 | Use of Unapproved Plat Prohibited When.            |
| 16.04.110 | Amendments to Subdivision Regulations.             |

**16.04.010 Title for Citation.** The regulations set out in this title shall be known and cited as “The Subdivision Regulations of Nunn, Colorado.” (Ord. 179, 1996)

**16.04.020 Enactment - Charter Authority.** The regulations set out in this title have been prepared and enacted in accordance with C.R.S., Section 31-23-214, and Town of Nunn Ordinance No. 179. (Ord. 179, 1996)

**16.04.030 Purpose of Provisions.** The purpose of the regulations set out in this title include: (Ord. 179, 1996)

- A. To assist orderly, efficient, and integrated development; (Ord. 179, 1996)
- B. To promote the health, safety, and general welfare of the residents; (Ord. 179, 1996)
- C. To ensure conformance of land subdivision plans with the public improvement plans of the Town, Weld County, the state and other public agencies; (Ord. 179, 1996)
- D. To ensure coordination of municipal public improvement plans and programs; (Ord. 179, 1996)
- E. To encourage well planned subdivisions by establishing adequate standards for design and improvements; (Ord. 179, 1996)
- F. To improve land survey monuments and records by establishing standards for surveys and plats; (Ord. 179, 1996)
- G. To safeguard the interests of the public, the property owner, and the subdivider; (Ord. 179, 1996)
- H. To secure equitable handling of all subdivision plans by providing uniform procedures and standards; (Ord. 179, 1996)
- I. To prevent population congestion; (Ord. 179, 1996)
- J. To prevent and control erosion, sedimentation, and other pollution of surface and subsurface water; (Ord. 179, 1996)
- K. To prevent flood damage to persons and properties, and minimize expenditures for flood relief and flood control projects; (Ord. 179, 1996)
- L. To restrict building on flood lands or in areas poorly suited for building or construction; (Ord. 179, 1996)
- M. To prevent loss and injury from mudflows and other geologic hazards; (Ord. 179, 1996)
- N. To implement the Comprehensive Plan of the Town. (Ord. 179, 1996)

**16.04.040 Interpretations of Regulations.** On the interpretation and application of the provisions of these regulations, the following shall govern: (Ord. 179, 1996)

- A. The provisions contained in these regulations shall be regarded as minimum requirements for the protection of the public health, safety, and welfare. (Ord. 179, 1996)



B. Whenever a provision of these regulations and any provision in any other law of the Town cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirements shall govern. (Ord. 179, 1996)

**16.04.050 General Laws and Criteria for Subdivisions.** Land shall be subdivided in conformance with the Master Plan, the Zoning Code, and other ordinances and regulations in effect. In all cases, the Planning Commission shall consider the criteria in these regulations, including subdividers utilizing the planned unit development portion of these regulations. (Ord. 179, 1996)

**16.04.060 Territory of Jurisdiction.** The territory within which the regulations of this Title are applicable shall include all land located within the legal boundaries of the Town of Nunn, hereinafter referred to as "the Town." (Ord. 179, 1996)

**16.04.070 Compliance with Provisions Required.** Whoever divides or participates in the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land or for the purpose, whether immediate or future, of sale or of building development, whether residential, industrial, commercial, business or other use, shall make the transaction subject to the provisions of these regulations, and a plat therefor must be submitted to and accepted by the Town according to the terms as set forth in these regulations. The terms hereof shall also include and refer to any division of land previously subdivided or platted. (Ord. 179, 1996)

**16.04.080 Acceptance of Dedicated Lands.** Approval of a subdivision by the Town shall not constitute an acceptance by the Town of the roads, streets, alleys, or other public lands for maintenance, as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the Town shall be accepted by the Town only by specific action of the Town Board. (Ord. 179, 1996)

**16.04.090 Approval of Plats Prior to Filing and Recordation.** It is unlawful to file or record a plat of a subdivision of land with the Town Clerk and the Weld County Clerk and Recorder until the plat is approved by the Planning Commission of the Town of Nunn, hereinafter referred to as the "Planning Commission," and the Town Board of the Town of Nunn, hereinafter referred to as the "Town Board," and signed by duly authorized representatives of such bodies. (Ord. 179, 1996)

**16.04.100 Use of Unapproved Plat Prohibited When.** It is unlawful to use any plat of a subdivision of land for purposes of sale or building development until such plat is approved by the Planning Commission and Town and signed by duly authorized representatives of such bodies. (Ord. 179, 1996)

**16.04.110 Amendments to Subdivision Regulations.** The regulations set out in this Title may be amended by the Town Board from time to time in accordance with the provisions of law. (Ord. 176, 1996)

## **Chapter 16.08** **DEFINITIONS**

### **Sections:**

|           |                                   |
|-----------|-----------------------------------|
| 16.08.010 | Definitions Generally.            |
| 16.08.020 | Alley.                            |
| 16.08.030 | Aquifer.                          |
| 16.08.040 | Block.                            |
| 16.08.050 | Comprehensive Plan.               |
| 16.08.060 | Conservation Standards.           |
| 16.08.070 | Consumer.                         |
| 16.08.080 | Crosswalk or Walkway.             |
| 16.08.090 | Dedication.                       |
| 16.08.100 | Dwelling Unit.                    |
| 16.08.110 | Easement.                         |
| 16.08.120 | Evidence.                         |
| 16.08.130 | Floodplain.                       |
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| 16.08.370 | Street.                           |
| 16.08.390 | Subdivider or Developer.          |
| 16.08.400 | Town Board.                       |

### **16.08.010 Definitions Generally.**

A. The language set forth in the text of this Title shall be interpreted in accordance with the following rules of construction: (Ord. 179, 1996)

1. The singular number includes the plural and the plural the singular; (Ord. 179, 1996)
2. The present tense includes the past and future tenses, and the future the present; (Ord. 179, 1996)
3. The word "shall" is mandatory, while the word "may" is permissive; (Ord. 179, 1996)
4. The masculine gender includes the feminine and neuter. (Ord. 179, 1996)

B. The following words and terms, wherever they occur in this regulation, shall be construed as defined in this Chapter. (Ord. 179, 1996)

**16.08.020 Alley.** "Alley" means a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street. (Ord. 179, 1996)

**16.08.030 Aquifer.** "Aquifer" means a water bearing layer of sand, gravel, or porous rock. (Ord. 179, 1996)

**16.08.040 Block.** "Block" means a parcel of land bounded on all sides by sides of a street or streets. (Ord. 179, 1996)

**16.08.050 Comprehensive Plan.** "Comprehensive Plan" means a plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of such a plan. (Ord. 179, 1996)

**16.08.060 Conservation Standards.** "Conservation standards" means guidelines and specifications for soil and water conservation practices and management, enumerated in the Technical Guide prepared by the USDA Soil Conservation Service, adopted by the County Soil and Water Conservation Commission, district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the owner selects that alternative which best meets his needs in developing his soil and water conservation plan. (Ord. 179, 1996)

**16.08.070 Consumer.** "Consumer" means any person contacted as a potential purchaser, lessee, or renter, as well as one who actually purchases, leases, or rents property in the subdivision. (Ord. 179, 1996)

**16.08.080 Crosswalk or Walkway.** "Crosswalk" or "walkway" means a right-of-way dedicated to public use, or facilities pedestrians access through a subdivision block. (Ord. 179, 1996)

**16.08.090 Dedication.** "Dedication" means a grant by the owner of a right to use land to the public, in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency. (Ord. 179, 1996)

**16.08.100 Dwelling Unit.** "Dwelling unit" means any structure or part thereof designed to be occupied as the living quarters of a single-family or housekeeping unit. (Ord. 179, 1996)

**16.08.110 Easement.** "Easement" means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified reasons. (Ord. 179, 1996)

**16.08.120 Evidence.** "Evidence" means any map, table, chart contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider. (Ord. 179, 1996)

**16.08.130 Floodplain.** "Floodplain" means an area that is anticipated to receive flood waters in years, or certain storm intensity, such as a fifty-year storm or a one-hundred year storm. (Ord. 179, 1996)

**16.08.140 Improvements.** "Improvements" means street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Town Board or its specified approving authority. (Ord. 179, 1996)

**16.08.150 Lateral Sewer.** "Lateral sewer" means a sewer which discharges into another sewer and has only building sewers tributary to it. (Ord. 179, 1996)

**16.08.160 Lot.** "Lot" means the unit into which land is divided on a subdivision plat or deed with the intention of offering such unit for sale, lease, or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. "Lot" shall also mean parcel, plat, site, or any similar term. (Ord. 179, 1996)

**16.08.170 Lot, Depth of.** "Depth of lot" means the mean horizontal distance between the front and rear lot lines. (Ord. 179, 1996)

**16.08.180 Lot, Double -- Frontage.** "Double frontage lot" means a lot having a frontage on two non-intersecting streets. (Ord. 179, 1996)

**16.08.190 Lot or Property Pin.** "Lot or property pin" means a marker established by certified land survey and set by a registered land surveyor registered in the State of Colorado to establish accurate location of property lines. (Ord. 179, 1996)

**16.08.200 Lot, Reverse -- Frontage.** "Reverse frontage lot" means a lot which extends continuously between two parallel (or approximately parallel) streets bounding a block and which is abutted along one street frontage by an easement for screen planting. A block containing reverse frontage lots is composed of one tier of lots rather than the standard two tiers. (Ord. 179, 1996)

**16.08.210 Lot, Width of.** "Width of lot" means the average distance between side lot lines. "Side lot lines" are those which are neither front nor rear lot lines. (Ord. 179, 1996)

**16.08.220 Mayor.** "Mayor" means the mayor, or mayor pro tempore, of the Town of Nunn. (Ord. 179, 1996)

**16.08.230 Multi-Family Dwelling.** "Multifamily dwelling" means a building providing separate dwelling units for two or more families. (Ord. 179, 1996)

**16.08.240 National Cooperative Soil Survey.** "National Cooperative Soil Survey" means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies. (Ord. 179, 1996)

**16.08.250 Off Street Parking Space.** "Off street parking space" means the space required to park one passenger vehicle on private land. (Ord. 179, 1996)

**16.08.260 Permanent Monument.** "Permanent monument" means any structure permanently placed on or in the

ground, including those expressly placed for surveying reference. (Ord. 179, 1996)

**16.08.270 Person.** "Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture of affiliated ownership. The word "person" also means a municipality or state agency. (Ord. 179, 1996)

**16.08.280 Planned Unit Development (PUD).**

A. "Planned Unit Development (PUD)" means an area of land, not less than two acres in size, improved as a residential development, or a combination of uses such as residential, educational, recreational, commercial and industrial, in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning aesthetics, and other considerations deemed important by the local approving agency. (Ord. 179, 1996)

B. A "Planned Unit Development" is a commitment on the part of the developer to construct the project according to the plan approved by the Town Board. The developer shall adhere to densities, open spaces, street location and design, floodplain regulations, and all other such design criteria as are set forth in this Title, and other ordinances that may be required by the Town Board. (Ord. 179, 1996)

C. In a Planned Unit Development, the uses, density, and yard requirements shall be determined upon submission and approval of the plan. (Ord. 179, 1996)

**16.08.290 Planning Commission.** "Planning Commission: means the Planning Commission of the Town of Nunn. Such also means the Town Board, sitting as Planning Commission, when there is in effect an Ordinance designating the Town Board as the Planning Commission for the Town of Nunn. (Ord. 179, 1996)

**16.08.300 Plan, Preliminary.** "Preliminary Plan" means the map or maps of a proposed subdivision, and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design. (Ord. 179, 1996)

**16.08.310 Plan, Sketch.** "Sketch plan" means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design. (Ord. 179, 1996)

**16.08.320 Plat, Final.** "Final plat" means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder. (Ord. 179, 1996)

**16.08.330 Reservation.** "Reservation" means a legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights. (Ord. 179, 1996)

**16.08.340 Resubdivision.** "Resubdivision" means the changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder. (Ord. 179, 1996)

**16.08.350 Right-of-Way and Control Access.**

A. "Right-of-way" means that portion of land dedicated to public use for street and/or utility purposes. (Ord. 179, 1996)

B. "Control of access" means the condition where the right of owners or occupants of abutting land (or other persons) to access, light, air, or view in connection with a highway is fully or partially controlled by public authority. (Code, 2002)

**16.08.360 Roadway.** "Roadway" means that portion of the street right-of-way designed for vehicular traffic. (Ord. 179, 1996)

**16.08.370 Street.** "Street" means any street, avenue, boulevard, road, land, parkway, viaduct, alley, or other way for the movement of vehicular traffic, which is an existing state, county, or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law, or approved by official action, and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. (Ord. 179, 1996)

A. "Cul-de-sac" means a short, dead-end street no longer than four hundred feet, terminating in a vehicular turnaround area. (Ord. 179, 1996)

B. "Half street" means a street parallel and continuous to a property line and of lesser right-of-way width than is required for streets. (Ord. 179, 1996)

C. "Service road" means a street or road parallel and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street. (Ord. 179, 1996)

D. "Stub street" means a street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system. (Ord. 179, 1996)

**16.08.390 Subdivider or Developer.** "Subdivider" or "developer" means any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision. (Ord. 179, 1996)

**16.08.400 Town Board.** "Town Board" or "Board" means the Board of Trustees of the Town of Nunn, Colorado. (Ord. 179, 1996)

## **Chapter 16.12** **PROCEDURES FOR SUBMITTING PLAN**

**Sections:**

16.12.010 Sketch Plan and Water Rights Requirements.

- 16.12.020 Preliminary Plan – Submittal, Review, and Duration of Approval.
- 16.12.030 Final Plat.
- 16.12.040 Conformity of Submitted Documents.
- 16.12.050 Town Board Action.
- 16.12.060 Dedicated Streets and Other Public Land.
- 16.12.070 Industrial and Commercial Subdivisions.
- 16.12.080 PUD Subdivisions.
- 16.12.090 Mobile Home Communities.

**16.12.010 Sketch Plan and Water Rights Requirements.**

- A. Subdividers shall submit five copies of a sketch plan to the Planning Commission prior to the submission of a preliminary plan. The sketch plan materials shall be submitted to the Town Clerk not less than one week prior to Planning Commission meeting or work session. The sketch plan will enable the subdivider and the Planning Commission to render an informal preliminary review of the proposed subdivision for general scope and conditions which might affect the plan. Such sketch plans should include the elements listed in Chapter 16.16. (Code, 2002)
- B. The assignment of water rights or payment of cash in lieu of water rights is required as specified by the schedule established by Resolution of the Town Board. (Code, 2002)

**16.12.020 Preliminary Plan – Submittal, Review, and Duration of Approval.**

- A. Following the review of the sketch plan by the Planning Commission, subdividers shall submit required preliminary plan materials and supporting documents of a proposed subdivision to the Planning Commission for approval prior to the submission of a final plat. The preliminary plan materials and documents shall be submitted to the Town Clerk not less than: one week prior to Planning Commission meeting. Submission requirements and time required for review and notification are included in these regulations. (Code, 2002)
- B. The Planning Commission shall have the authority to require changes in the preliminary plan which more fully meet the purposes of these subdivision regulations. (Code, 2002)
- C. In reviewing preliminary plans that have been submitted to it, the Planning Commission shall not only ensure that the intent and requirements of these regulations are followed, but shall also determine the extent to which the goals and policies embodied in the Comprehensive Plan are met. (Code, 2002)
- D. Approval of the preliminary plan shall be effective for twelve (12) months after the approval date. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted to the Planning Commission within that twelve (12) months, or a mutually agreed upon extension has been granted by the Planning Commission. Whenever a final plat is approved for less than the entire area covered by the preliminary plan, approval of the preliminary plan for the remaining unplatted area shall be extended for an additional twelve (12) months. (Code, 2002)

**16.12.030 Final Plat.** The final plat submission shall conform to the approved preliminary plan and the requirements contained in these regulations. (Code, 2002)

**16.12.040 Conformity of Submitted Documents.** Sketch plans, preliminary plans, and final plats shall conform to the requirements and specifications of these regulations and shall be submitted in the manner prescribed. (Code, 2002)

**16.12.050 Town Board Action.** Before approval or conditional approval of the final plat by the Planning Commission or, at the same time as such approval, if the Town Board is acting as Planning Commission, the Town Board shall hold a hearing as provided in Chapter 16.24. (Code, 2002)

**16.12.060 Dedicated Streets and Other Public Land.** Acceptance of dedication of proposed public lands or streets or street rights-of-way, in an approved plat, can be made only by specific action of acceptance by the Town Board. Plat approval cannot be deemed as acceptance of dedication. (Code, 2002)

**16.12.070 Industrial and Commercial Subdivisions.** These regulations shall also apply to the subdivision of land for commercial purposes. (Code, 2002)

**16.12.080 PUD Subdivisions.** Approval of a planned unit development may be given upon evidence of the provision of open spaces, public facilities, access, planning aesthetics, and other considerations deemed important by the Planning Commission and the Town Board and shall comply with Chapter 16.28 of these regulations. (Code, 2002)

**16.12.090 Mobile Home Communities.** Each mobile home community application shall be submitted as a planned unit development and shall comply with Chapter 16.28. (Code, 2002)

## **Chapter 16.16** **SKETCH PLAN**

### **Sections:**

- 16.16.010 Submittal Procedures – Contents.
- 16.16.020 Location Map.
- 16.16.030 Drawing and Laying for Sketch Plan.
- 16.16.040 Existing Site Conditions and Descriptions of Proposed Development.
- 16.16.050 Review Procedures.

### **16.16.010 Submittal Procedures -- Contents.**

- A. Subdividers shall submit five (5) copies of a sketch plan for review and discussion. The sketch plan materials shall be submitted to the Town Clerk not less than one week prior to Planning Commission meeting. (Code, 2002)
- B. The sketch plan filing fee shall accompany the submittal in accordance with the fee schedule. (Code, 2002)

### **16.16.020 Location Map.**

- A. The location map may be prepared on a Nunn zoning map and shall indicate clearly the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The map shall show: (Code, 2002)



1. Existing development, including major streets, existing public sewers, public water supply, and storm drainage systems; (Code, 2002)
2. Community facilities, such as schools and parks; (Code, 2002)
3. Zoning in and adjacent to the tract. (Code, 2002)

B. The location map shall include a title, scale (not less than one inch to six hundred feet), total acreage of the tract, North arrow, and date. (Code, 2002)

#### **16.16.030 Drawing and Layout for Sketch Plan.**

A. The sketch plan may be free hand drawing at suitable scale (not less than one inch to two hundred feet) in a legible medium and shall clearly show the following: (Code, 2002)

1. Major topographic contours (from U.S.G.S. maps); (Code, 2002)
2. The proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; (Code, 2002)
3. The proposed location and extent of major open space and public sites; (Code, 2002)
4. General locations of present and proposed utility easements and installations; (Code, 2002)
5. Proposed land uses; and (Code, 2002)

6. Indication of building types, with approximate location of major buildings exclusive of single-family residential dwellings. (Code, 2002)

B. Variations from the scale requirement of the sketch plan (one inch equals two hundred feet) will be acceptable in the case of large subdivisions, provided the plans and design are clearly legible. The plan generally shall include north point, name of the subdivision, U.S.G.S. Township, Range, Section, and Quarter Section. (Code, 2002)

**16.16.040 Existing Site Conditions and Descriptions of Proposed Development.** This information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings and shall include information on existing covenants and land characteristics such as, but not limited to, floodplains, hazard areas, economically recoverable minerals, soils and existing vegetation, and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, and proposed utilities and street improvements. (Code, 2002)

#### **16.16.050 Review Procedures.**

A. Sketch plans shall be reviewed by the Planning Commission in informal conference with the subdivider. Such may be at a scheduled meeting or at a work session. The conference is intended to be for the mutual exchange of information and development concepts. A primary concern shall be the degree to which the proposed subdivision meets

the governing body's land use policies and its Comprehensive Plan. (Code, 2002)

B. Upon review of the sketch plan, the Planning Commission may allow exemptions and deviation from required sale, format, and content of plans and maps, which it determines are inapplicable and unnecessary. (Code, 2002)

C. The Planning Commission may take up to thirty (30) days to review the sketch plan. (Code, 2002)

## **Chapter 16.20** **PRELIMINARY PLAN**

### **Sections:**

|           |  |
|-----------|--|
| 16.20.010 | Submittal Requirements.                                  |
| 16.20.020 | Receipt.   |
| 16.20.030 | Drawing Requirements – Date to Be Submitted.             |
| 16.20.040 | Supporting Documents Required.                           |
| 16.20.050 | Review by Planning Commission.                           |
| 16.20.060 | Approval or Denial Conditions.                           |
| 16.20.070 | Approval – Health, Safety and Welfare Criteria.          |
| 16.20.080 | Burden of Proof for Subdivider.                          |
| 16.20.090 | Entry on Land for Investigations and Test.               |
| 16.20.100 | Planning Commission – Decision.                          |
| 16.20.110 | Denial of Plan – Notification, Review and Reapplication. |
| 16.20.120 | Appeals Procedure.                                       |

**16.20.010 Submittal Requirements.** Copies of all required material shall be officially submitted to the Planning Commission by the subdivider or his authorized representative. The preliminary plan materials and documents shall be submitted to the Town Clerk not less than one (1) week prior to Planning Commission meeting. A preliminary plan filing fee shall accompany the submittal in accordance with the fee schedule established by resolution of the Town Board. (Code, 2002)

**16.20.020 Receipt.** A receipt shall be issued to the subdivider for the preliminary plan submission when it has been determined that the submission includes all the required documents set forth in these regulations. The date of the Planning Commission meeting to review the plans shall be specified on the receipt. (Code, 2002)

### **16.20.030 Drawing Requirements -- Date To Be Submitted.**

A. The preliminary plan may consist of one or more sheets, depending on the size of the subdivision. It shall meet the minimum design standards set forth in these regulations. (Code, 2002)

B. A workmanlike execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection. (Code, 2002)

C. The following data shall be submitted as part of the preliminary plan submission. Note: Any deviation from

required scale and format of plans and maps shall be allowed only upon permission of the Planning Commission in the sketch plan review. (Code, 2002)

1. Vicinity Map. Ten (10) copies of a vicinity map for the proposed subdivision, and for a one-half mile perimeter area of the proposed subdivision at one inch equals six hundred feet scale, showing: (Code, 2002)

- (a) Location of the subdivision as a part of some larger subdivision or tract of land, and by reference to permanent survey monuments, with a tie to a section corner or a quarter-section corner: (Code, 2002)
- (b) Existing streets, highways, roads, and railroads; (Code, 2002)
- (c) Existing land uses, subdivisions, utilities (lines, buildings, easements), buildings and structures, etc.; (Code, 2002)
- (d) Existing zoning; (Code, 2002)
- (e) School district; (Code, 2002)
- (f) Water district, if applicable; (Code, 2002)
- (g) Fire district; (Code, 2002)
- (h) Sanitation district, if applicable; (Code, 2002)
- (i) Additional information as may be specified by the Planning Commission in the sketch plan review; (Code, 2002)
- (j) Date of preparation, map scale, and North sign. (Code, 2002)

2. Development Plan Maps:

(a) Existing Features Map. Ten (10) copies of an existing features map, [twenty-four by thirty-six inch, black on white or blue on white prints at a scale of one inch equals one hundred feet (1 " = 100')]: (Code, 2002)

- (1) Outer boundary; (Code, 2002)
- (2) Location, by survey, of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths, location, and extent of areas subject to flooding by a one-hundred year storm; (Code, 2002)
- (3) A traverse map of the monumented perimeter of the proposed subdivision, along with all survey notes of subdivision perimeter, and copies of all monument records. The traverse shall have an error of closure of not greater than one part in ten thousand. A survey tie to the state coordinate system or other permanent marker is

required. (Code, 2002)

- (4) Wooded areas; (Code, 2002)
- (5) Existing buildings, easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within one hundred (100) feet of the boundaries; (Code, 2002)
- (6) Other, as specified by the Planning Commission in the sketch plan review; (Code, 2002)
- (7) North arrow, date; (Code, 2002)
- (8) Names and addresses of the subdivider, the designer of the subdivision, and the engineer and surveyor, both of whom shall be licensed by the State of Colorado Board of Registration for Professional Engineers and Land Surveyors; (Code, 2002)

(b) Proposed Development Map. Ten (10) copies of a proposed development map, twenty-four by thirty six inches at one inch equals one hundred feet (1 " = 100') scale. (Code, 2002)

- (1) General Requirements: (Code, 2002)
  - (A) Name of subdivision; (Code, 2002)
  - (B) North arrow, date, and scale; (Code, 2002)
  - (C) Name and address of subdivider and owner; (Code, 2002)
  - (D) Name and address of engineer or designer responsible; (Code, 2002)
  - (E) Legal description and basis of bearings; (Code, 2002)
  - (F) Total acreage; (Code, 2002)
- (2) Lot and street layout, including proposed future street layout, in dashed lines, for any portion or parcel of adjacent land within two hundred (200) feet. not being subdivided now: (Code, 2002)
  - (A) Expected impact on local streets; (Code, 2002)
  - (B) Existing street names and names of proposed streets; (Code, 2002)
  - (C) Dimensions of all lots to nearest foot, which may be scaled values; (Code, 2002)
  - (D) Lots and blocks numbered consecutively; (Code, 2002)
- (3) Public Facilities Location. Location of sites to be reserved or dedicated for public facilities or parks except streets and utility easements. The Planning Commission, upon consideration of Town circulation and facilities and the future requirements of the subdivision, may recommend the dedication of areas or

sites of a character. extent and location suitable for public use for parks; (Code, 2002)

(4) Proposed Use Sites. Proposed sites and acreage, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings; (Code, 2002)

(5) Common Open Space. Location, function, ownership, and manner of maintenance of common open space not otherwise reserved or dedicated for public use; (Code, 2002)

(6) Utility System. Ten (10) copies of a proposed utility system. (Code, 2002)

(A) Location, size and use of all existing and proposed public and private easements. All utilities must be constructed with approved easements; (Code, 2002)

(B) Existing and proposed water mains, fire hydrants, sewers, utility mains (electric, gas, telephone), or other underground structures within the subdivision and at least one hundred feet (100') immediately adjacent to boundary streets; (Code, 2002)

(7) Drainage System. Ten (10) copies of a proposed drainage system. (Code, 2002)

(A) Location of culverts and other proposed drainage structures to show the method of moving storm runoff water through the subdivision: also show runoff concentrations in acres of drainage areas on each street entering each intersection. For storm drainage facilities not on or adjacent to the tract, indicate the direction and distance to, size and invert elevation or nearest extensions of such utilities. (Code, 2002)

(8) Preliminary Street Profiles.

(A) Preliminary profiles based upon the contours and the sketched alignments should be provided showing graphic grades, proposed lengths of vertical curves, limits of horizontal curves, and locations of bridges and major culverts. Where streets are to be temporarily stubbed at side or plat boundaries, the profiles should extend sufficiently beyond the boundary to assure the feasibility of a future extension that can conform to standards. (Code, 2002)

**16.20.040 Supporting Documents Required.** Ten (10) copies of each of the following documents shall accompany the preliminary plan and be considered a part of the submission: (Code, 2002)

A. A letter from each special district or utility company involved. addressed to the Planning Commission, stating that specific services and/or utilities are available, and they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements. (Code, 2002)

B. An affidavit that the applicant is the owner, equitable owner, or authorized by the owner, in writing, to make application for the land proposed to be subdivided; (Code, 2002)

C. A list prepared by a licensed title or abstract company of all owners of record of property adjacent to the area of the proposed subdivision, including their addresses. This information will be utilized for notification of meeting time and date; (Code, 2002)

- D. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use; (Code, 2002)
- E. The substance of all other covenants, grants of easements, or restrictions to be imposed upon the use of land, buildings, and structures; (Code, 2002)
- F. Geologic maps and investigation report regarding area suitability for the proposed development; (Code, 2002)
- G. Such additional information as may be required by the Planning Commission in order to determine that the subdivision can be constructed without an adverse effect on the surrounding area and, by reason of its location or design, will not cause an undue burden on public utilities and community facilities; (Code, 2002)
  - H. Application for rezoning, if required, for the development of the subdivision; (Code, 2002)
  - I. Any possible adverse environmental impact of the development; (Code, 2002)
  - J. Summary statement of application; (Code, 2002)
    - 1. Total development area; (Code, 2002)
    - 2. Total number of proposed dwelling units; (Code, 2002)
    - 3. Total number of square feet of non-residential floor space; (Code, 2002)
    - 4. Total number of off-street parking spaces, excluding those associated with a single-family residential development; (Code, 2002)
    - 5. Estimated total number of gallons per day of water system requirements; (Code, 2002)
    - 6. Estimated total number of gallons per day of sewage to be treated, and the proposed sewage treatment facility; (Code, 2002)
    - 7. A list of all special districts involved. (Code, 2002)

**16.20.050 Review by Planning Commission.**

- A. When a preliminary plan has been officially accepted by the Town Clerk, it shall be placed on the agenda of the Planning Commission meeting for subdivision review within forty-five (45) days. (Code, 2002)
- B. Review. Notice shall be published once in a local newspaper of general circulation in the Town at least five (5) days and not more than thirty (30) days prior to Planning Commission review. Adjoining property owners shall be given not less than ten (10) days' notice by certified and regular mail. The copy of the preliminary plan filed with the Town Clerk shall be available for public viewing. Anyone may submit written statements recommending approval or denial of the preliminary plan, stating the reasons therefor, to the Planning Commission on or before the date for Planning Commission review. (Code, 2002)

**16.20.060 Approval or Denial Conditions.** A preliminary plan shall be approved by the Planning Commission unless it finds that the preliminary plan fails to meet the requirements specified herein, or that the proposed subdivision is detrimental to the public health, safety, or general welfare. (Code, 2002)

**16.20.070 Approval – Health, Safety, and Welfare Criteria.** Before approving the preliminary plan, the Commission shall determine that the subdivision: (Code, 2002)

A. Will be served by a public water system and will not create an unreasonable burden on the existing water supply; (Code, 2002)

B. Will be served by an adequate sanitation system that will not result in water pollution. (Code, 2002)

C. Will not cause soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; (Code, 2002)

D. Will not cause air pollution. In making this determination, they shall consider land topography, prevailing winds or the absence thereof, increase in sources or quantity of emission as well as quality of such, and such other items as are deemed pertinent; (Code, 2002)

E. Will not:

1. Cause unreasonable street or highway congestion or unsafe conditions with respect to use of the streets or highways, existing or proposed; (Code, 2002)

2. Cause unreasonable burden on the ability of a school district to provide educational services; (Code, 2002)

3. Place an unreasonable burden on the ability of the Town or special districts to provide water, fire, police, and other services; (Code, 2002)

F. Will not:

1. Have an undue adverse effect on the scenic or natural beauty of the area. aesthetics, historic sites or rare and irreplaceable natural areas; (Code, 2002)

2. Have an undue adverse effect on open space. (Code. 2002)

**16.20.080 Burden of Proof for Subdivider.** The burden of proof shall be on the subdivider to show the reasonableness of his plan, the lack of adverse effect, and compliance with the elements of the public health, safety, and general welfare. (Code, 2002)

**16.20.090 Entry on Land for Investigations and Tests.** The Planning Commission, Town employees, and any agency or person retained by the Town for subdivision review assistance, may conduct such investigations, examinations, tests, and site evaluations as they deem necessary to verify information contained in the application. An applicant shall grant the Town, or its agents, permission to enter upon his land for these purposes. (Code, 2002)

**16.20.100 Planning Commission -- Decision.** The Planning Commission shall issue its findings and decision as to preliminary plan approval or denial no later than the next regularly scheduled meeting after the review meeting. (Code, 2002)

**16.20.110 Denial of Plan – Notification, Review and Reapplication.** A denial of a preliminary plan shall contain in writing the specific reasons for denial. A subdivider may, within six (6) months, resubmit the plan application, which shall include an affidavit to the Planning Commission that the deficiencies in the previous application have been corrected, without paying a new application fee. The Town may, however, charge for the expenses of notice and any new investigation which may be necessary to review the reapplication. A review shall be held within forty (40) days of acceptance of the reapplication, and upon at least twenty-five (25) days' notice to the adjoining property owners. Any reapplication after six (6) months will require a new application fee. (Code, 2002)

**16.20.120 Appeals Procedure.** Upon denial by the Planning Commission, the subdivider may appeal, in writing, to the Town Board within thirty (30) days. The appeal shall be submitted to the Town Clerk stating the reasons and facts supporting the appeal. The Town Board shall conduct a review within thirty (30) days of filing of the appeal to determine whether the decision of the Planning Commission shall be upheld. (Code, 2002)

## **Chapter 16.24** **FINAL PLAT**

### **Sections:**

- 16.24.010 Submittal Restrictions.
- 16.24.020 Documents and Information Required.
- 16.24.030 Drawing Requirements.
- 16.24.040 Monuments and Bench Marks.
- 16.24.050 Survey Certification.
- 16.24.060 Supporting Documents Designated.
- 16.24.070 Drawings for Utilities, Grading, Erosion Control, and Other Work.
- 16.24.080 Certificate of Title.
- 16.24.090 Dedications – Existing Easements.
- 16.24.100 State Highway Permit.
- 16.24.110 Utility Services Statements.
- 16.24.120 Summary Statement on Total Development.
- 16.24.130 Deed Restrictions.
- 16.24.140 Record of Monuments.
- 16.24.150 Certification Forms.
- 16.24.160 Review Procedures – Date.
- 16.24.170 Review Procedures – Planning Commission Determination.
- 16.24.180 Review by Town Board.
- 16.24.190 Recordation Requirements.
- 16.24.200 Certified Plat – Copies for Referral.
- 16.24.210 Resubdivision – Procedures.



**16.24.010 Submittal Restrictions.** Copies of all required material shall be submitted to the Town Clerk by the subdivider or his authorized representative a minimum of one week prior to the Planning Commission meeting. No final plat shall be approved by the Planning Commission until the subdivider has complied with the requirements and submitted the supporting documents, as provided herein. Final plats shall be submitted for approval within twelve months (12) of the date a preliminary plan has been approved by the Planning Commission. No final plat submission shall be accepted which has exceeded this time lapse period unless an extension of time has been granted. An extension of time may be granted by the Planning Commission upon written request of the subdivider. Any plat submitted for which preliminary plan approval has been given in excess of twelve (12) months previous and for which no time extension has been granted shall be considered as a new preliminary plan. The final plat shall conform to the approved preliminary plan, and shall also contain the requirements of these regulations. (Code, 2002)

**16.24.020 Documents and Information Required.**

A. The final plat submission shall conform in all major respects to the preliminary plan as previously reviewed and approved by the Planning Commission, and shall incorporate all modifications required in its review. The Planning Commission, however, may approve a final plat which has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plan review and approval. (Code, 2002)

B. A final plat may be submitted in sections covering representative and reasonable portions, as defined by the Planning Commission, of the subdivision tract. In such cases, submission shall include a map indicating the sections designated for the entire tract, and each sheet numbered accordingly, and include title, legend, match lines, and other appropriate information. (Code, 2002)

C. The following shall be included:

1. All required supporting documents required for a preliminary plan. (Code, 2002)
2. Ten black-an-white or blue-an-white prints of the final plat; (Code, 2002)
3. The original reproducible drawing of the final plat prepared in accordance with the requirements of these regulations; (Code, 2002)
4. A check payable to the Town of Nunn for review and filing fees for a final plat as established by fee schedule established by resolution of the Town Board. (Code, 2002)

D. No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs have been submitted and reviewed by the Planning Commission and found to meet all sound planning and engineering requirements of the Town and the conditions contained in these subdivision regulations, and all other applicable ordinances of the Town. The minimum data required for final plat review are as follows: (Code, 2002)

1. Street construction plans and profiles; (Code, 2002)
2. Final drainage plans and reports; (Code, 2002)

3. Final utility plans and profiles. (Code, 2002)

E. A receipt shall be issued to the subdivider, or his authorized representative, for the final plat submission when it has been determined that the submission included all the requirements set forth in these regulations. (Code, 2002)

**16.24.030 Drawing Requirements.** The final plat drawing shall comply with the following standards: (Code, 2002)

A. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the state. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection. (Code, 2002)

B. The plat shall be delineated in drawing ink on waterproof tracing cloth or mylar at a scale of one inch equals one hundred feet (1" = 1 00') in the following size: Twenty-four inches high by thirty-six inches wide. (Code, 2002)

C. The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given, and a notation made that the plat included all land to the water's edge or otherwise. (Code, 2002)

D. If plat is revised, a copy of the old plat shall be provided for comparison purposes. (Code, 2002)

E. All blocks, and all lots within each block, shall be consecutively numbered. (Code, 2002)

F. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves; (Code, 2002)

1. Radius of curve; (Code, 2002)
2. Central angle; (Code, 2002)
3. Tangent; (Code, 2002)
4. Arc length; (Code, 2002)
5. Notation of non-tangent curves. (Code, 2002)

G. Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances. (Code, 2002)

H. All streets, walkways, and alleys shall be designated as such, and streets shall be named; bearings and dimensions must be given. (Code, 2002)

I. All easements shall be designated as such and bearings and dimensions given. (Code, 2002)

J. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, public areas (such as school sites, parks, or common areas), or excepted parcels. (Code, 2002)

K. All dimensions of irregularly shaped lots shall be indicated in each lot. (Code, 2002)

L. Bearings and lengths shall be given for all lot lines; except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines. (Code, 2002)

M. Parcels not contiguous shall not be included in one plat nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment. (Code, 2002)

N. Lengths shall be shown to hundredths of a foot and angles and bearings shall be shown to second of arc. (Code, 2002)

O. The information on the plat shall include: (Code, 2002)

1. Name of subdivision, astronomic North arrow and basis thereof, and date; (Code, 2002)
2. Name and address of owner or owners of record; (Code, 2002)
3. Total acreage of the subdivision and total number of lots; (Code, 2002)
4. Township, Range, Section (and Quarter Section if portion of a Section), Principal Meridian, block and lot numbers; (Code, 2002)
5. The area of each lot shall be shown in square feet. (Code, 2002)

#### **16.24.040 Monuments and Bench Marks.**

A. Permanent reference monuments shall be set on the external boundary of the subdivision. (Code, 2002)

B. Block and lot monuments shall be set. (Code, 2002)

C. At least one second order bench mark (Geodetic Survey Datum) shall be set, where practical to tie in, within every subdivision or subsequent filing prior to submission of the final plat for approval. (Code, 2002)

**16.24.050 Survey Certification.** The surveyor making a plat shall certify on the plat that it conforms to these regulations and to all applicable state laws, and that the monuments described in it have been placed as described. He shall affix his name and seal. (Code, 2002)

**16.24.060 Supporting Documents Designated.** Submitted with the final plat drawing and considered a part of the final plat submission shall be the following documents as set out in the following sections 7 through 16. (Code, 2002)

#### **16.24.070 Drawings for Utilities, Grading, Erosion Control and Other Work.**

A. Drawings showing layout, profile, computations, and detail design of the following, prepared in compliance with

the design standards specified in these regulations. shall be submitted: (Code, 2002)

1. All utilities and necessary easements, such as water, sewer, gas, electric, telephone, etc., as applicable; (Code, 2002)
2. Plan, profile, and typical cross-section drawings of streets, bridges, culverts, and other drainage structures; (Code, 2002)
3. Grading and drainage plan, indicated by solid line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at five-foot contours for predominant ground slopes within the tract over five percent (5%) grade. (Code, 2002)
4. Erosion control plan, both during construction and after structures have been built, to be submitted as a result of preliminary plan review. The erosion control plan may be incorporated into the landscape plan or drainage plan. (Code, 2002)

B. These drawings shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the state, and shall be in conformance with the engineering criteria as provided by these regulations and other applicable ordinances. (Code, 2002)

**16.24.080 Certificate of Title.** A copy of a certificate of title issued by a title insurance company or an attorney's opinion of the title shall be submitted which shall set forth the names of all owners of property included in the final plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record which affect the property covered by such plats. If the opinion of title discloses any of the above, then, at the option of the Planning Commission, the holders or owners of such mortgages, judgments, liens, easements, contracts or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Town Board. (Code, 2002)

**16.24.090 Dedications -- Existing Easements.** Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Planning Commission must be submitted. (Code, 2002)

**16.24.100 State Highway Permit.** When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted. (Code, 2002)

**16.24.110 Utility Service Statements.** Statements from gas, electric, telephone, and other necessary utilities that service will be provided to the subdivision shall be submitted. (Code, 2002)

**16.24.120 Summary Statement on Total Development.** A summary statement of the proposal with the following information shall be submitted: (Code, 2002)

- A. Total development area; (Code, 2002)
- B. Total number of proposed dwelling units; (Code, 2002)
- C. Total number of square feet of non-residential floor space; (Code, 2002)

D. Total number of off street parking spaces, excluding those associated with single- family residential development; (Code, 2002)

E. Estimated total number of gallons per day of water system requirements, and other relative characteristics of water usage such as irrigated land area, daily and weekly peak flows, etc.; (Code, 2002)

F. Estimated total of number of gallons per day and estimated pounds per day of BOD content of sewage to be treated. Peak flows or unusual characteristics such as industrial waste requiring pre-treatment shall be reported when applicable. (Code, 2002)

**16.24.130 Deed Restrictions.** Copies of deed restrictions to govern the future use of each lot and any common land shall be submitted. (Code, 2002)

**16.24.140 Record of Monuments.** A monument record for required bench marks and closure sheets for the entire tract included in the plat and for each block in the tract shall be submitted. (Code, 2002)

**16.24.150 Certification Forms.** The final plat shall contain the following certificates: (Code, 2002)

A. Certification of Dedication and Ownership.

Know all mean by these presents that \_\_\_\_\_ being the owner(s), mortgagee, or lienholder of certain land in Nunn, Colorado, described as follows:

Beginning \_\_\_\_\_ Containing \_\_\_\_\_ acres more or less, have by these presents laid out, platted, and subdivided the same into lots and blocks, as shown on this plat, under the name and style of, and do hereby dedicate to the public all ways and other public rights-of-ways and easements for purposes shown hereon.

Executed this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Owner(s), Mortgagees or Lienholder

\_\_\_\_\_

The foregoing dedication was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

Witness my hand and seal.

\_\_\_\_\_  
Notary Public

My commission expires:

B. Surveying Certificate. (Code, 2002)

I, \_\_\_\_\_, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown

thereon actually exist and this plat accurately represents said survey.

By: \_\_\_\_\_  
Registered Land Surveyor

C. Planning Commission Certificate. (Code, 2002)

This plat was approved by the Nunn Planning Commission this \_\_\_\_ day of \_\_\_\_\_, A.  
D., 20\_\_\_\_.

D. Certificate of Approval by the Town Board. (Code, 2002)

Approved by the Board of Trustees of Nunn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

E. Recorder's Certificate. (Code, 2002)

This plat was filed for recording in the office of the County Clerk and Recorder of Weld County at \_\_\_\_\_ M.,  
on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, in Book \_\_\_\_\_,  
Page \_\_\_\_\_, Map \_\_\_\_\_, Reception No. \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder  
By: \_\_\_\_\_  
Deputy

**16.24.160 Review Procedures -- Date.** When a final plat has been received, it shall be acted upon by the Planning Commission at a regularly scheduled meeting within thirty (30) days or another mutually agreed upon period of time. (Code, 2002)

**16.24.170 Review Procedures -- Planning Commission Determination.**

A. The Planning Commission shall review the final plat at a regularly scheduled public meeting. The Planning Commission may require or recommend changes or modifications to the final plat in the public interest. If the final plat and all supplementary data and any requested changes and modifications comply with the applicable requirements of these regulations, the Planning Commission shall endorse on the plat in the space provided. (Code, 2002)

B. The only basis for rejection of a final plat shall be its non-conformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development in the Town, its lack of conformance with the approved preliminary plan, and changes required in the public interest. (Code, 2002)

**16.24.180 Review by Town Board.** The Town Board shall review the final plat within thirty (30) days of receipt of review by the Planning Commission, at a regularly scheduled public meeting. If the Town Board determines that the final plat submission and any recommended modifications comply with the applicable requirements of these regulations, it shall endorse its approval on the plat in the space provided. (Code, 2002)

**16.24.190 Recordation Requirements.**

- A. The Town Clerk shall record the final plat with the Weld County Clerk and Recorder within five (5) working days of approval of the final plat by the Town Board. (Code, 2002)
- B. The Town Clerk shall furnish the subdivider with a receipt for the final plat upon filing of the final plat. (Code, 2002)

**16.24.200 Certified Plat -- Copies for Referral.** The Town Clerk shall provide an adequate number of copies of the certified plat, together with the official notification of the action, to be distributed as follows: (Code, 2002)

- A. One copy to Town files; (Code, 2002)
- B. One copy to subdivider. (Code, 2002)

**16.24.210 Resubdivision Procedures.**

A. Resubdivision of land or changes to a recorded plat shall be considered a subdivision, and it shall comply with these regulations, with the following exceptions. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes: (Code, 2002)

1. No lot or parcel of land shall be created or sold that is less than the minimum requirements for area or dimension as established by these regulations, the zoning ordinance, or other applicable regulations or ordinances. (Code, 2002)
2. Drainage easements or rights-of-way reserved for drainage shall not be changed unless supported by complete engineering data; (Code, 2002)
3. Street locations and street rights-of-way shall not be changed; and (Code, 2002)
4. The plat shall not be altered in any way which will adversely affect the character of the plat filed. (Code, 2002)

B. A copy of all final plat revisions shall be resubmitted to the Planning Commission and the Town Board for their review. (Code, 2002)

C. Where the resubdivision complies with the appropriate requirements of these regulations, a plat indicating the resubdivision shall be submitted to the Planning Commission and the Town Board for their endorsements prior to the filing of such plat with the Weld County Clerk and Recorder. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat. (Code, 2002)

**Chapter 16.28**  
**PLANNED UNIT DEVELOPMENT**

**Sections:**

- 16.28.010 Purpose of Planned Unit Development, Districts – Building Codes Not Affected.
- 16.28.020 State Provisions Superseded – Exception.
- 16.28.030 Size – Development According to Plan – Ownership – Uses – Trade Off of Setbacks and Yards  
for Open Spaces.
- 16.28.040 Site Requirement – Waiver Permitted When.
- 16.28.050 Zoning a PUD – Required for Planned Unit Development and Limited Thereto.
- 16.28.060 Zoning as PUD – Requirements.
- 16.28.070 Conceptual Plan – Contents.
- 16.28.080 Simultaneous PUD Plan and Zoning Approval.
- 16.28.090 Zoning and PUD Plan Approval Required Before Development.
- 16.28.100 PUD Plan – Contents.
- 16.28.110 Application for PUD Plan Approval – Signatures Required – Contents.
- 16.28.120 Scheduling Planning Commission Hearing.
- 16.28.130 Review for Building and Fire Code Compliance – Effect of Noncompliance – Approval not to  
Affect Building Code.
- 16.28.140 Planning Commission Hearing – Report – Access to Reports by Parties in Interest.
- 16.28.150 Town Board Hearing – Scheduling – Notice.
- 16.28.160 Town Board Hearing – Purpose – Parties in Interest.
- 16.28.170 Town Board Decision – Deadline – Form – Reasons to be Included.
- 16.28.180 Evaluation Criteria of Public Interest and Safeguards to Public Landowners.
- 16.28.190 Approval by Town Board – Grounds – Non-Conformance of Plan to Conceptual Plan is Grounds  
for Denial.
- 16.28.200 Approval by Town Board – Simultaneous Zoning and Plan Requests.
- 16.28.210 Approval by Town Board – Approval Document.
- 16.28.220 Disapproval by Town Board – Zoning Initiation and Request of Landowner.
- 16.28.230 Conformance to Approval Document Required – Review of Plans and Specifications Therefor  
as Building Permit Requirement.
- 16.28.240 Non-Compliance with Approval Document Unlawful.
- 16.28.250 Uses and Densities in Completed PUD to Conform to Approval Document – Non-  
Conformance Unlawful.
- 16.28.260 Buyers After Approval Document is Recorded are Subject to It.
- 16.28.270 Open Space and Common Areas – State Maintenance and Upkeep Provisions Apply.

**16.28.010 Purpose of Planned Unit Development. Districts -- Building Codes Not Affected.** This Chapter is intended to allow for the development of land in a way which might not be permitted under traditional zoning regulations. It is anticipated that this Chapter will permit developments which will preserve the natural and scenic features of large open



areas by arranging buildings and homes in innovative ways, thereby promoting the public interest while at the same time providing an efficient use of land. It is not the purpose of this Chapter to modify or in any way vary or reduce the requirements of any building or fire code. (Code, 2002)

**16.28.020 State Provisions Superseded -- Exception.** This Chapter is intended to supersede the provisions of and prevent the application in this Town of the Planned Unit Development Act of 1972, (Article 67 of Title 24, C.R.S., 1973) except as provided in Section 16.28.270. (Code, 2002)

**16.28.030 Size -- Development According to Plan -- Ownership -- Uses -- Trade Off of Setbacks and Yards for Open Spaces.** A Planned Unit Development (PUD) is an area of land at least two acres in size which is developed according to a plan devised by the landowner and approved in advance by the Town. The area mayor may not be divided geographically into separately owned parcels, as the landowner determines, but, in any event, at least part of the area must be co-owned in undivided interests and be available for park or recreational use by persons living or working in the PUD. The Town Board may authorize residential uses and commercial uses in the same PUD and conceivably light industrial uses may be allowed in PUD's. Typically, the Town Board will not require setbacks or yards for individual buildings, and in return the landowner will set aside substantial areas of open space. (Code, 2002)

**16.28.040 Site Requirement -- Waiver Permitted When.** Upon the specific request of the landowner or upon the recommendation of the Planning Commission or upon the motion of the Town Board, the two-acre minimum requirement may be waived if, after considering the land use requested, the Town Board finds that such waiver would be beneficial to the Town and foster the objectives of this regulation and the Nunn Comprehensive Plan. (Code, 2002)

**16.28.050 Zoning a PUD -- Required for Planned Unit Development and Limited Thereto.** Land areas are eligible for PUD development only if the area has been zoned as a Planned Unit Development District. Conversely, the only development permitted in a Planned Unit Development District is that done pursuant to an approved PUD plan. (Code, 2002)

**16.28.060 Zoning as PUD -- Requirements.** Land area shall be zoned as Planned Unit Development District only upon the application of each landowner of the area and only if the Town Board has concluded on the basis of a conceptual plan submitted by the landowner. (Code, 2002)

**16.28.070 Conceptual Plan -- Contents.** The conceptual plan shall indicate the types of land uses, the general location and number of buildings and other structures, the general location and dimensions of open areas, the general location of internal streets and walkways, and the style of architecture proposed. (Code, 2002)

**16.28.080 Simultaneous PUD Plan and Zoning Approval Request Permitted.** A landowner may apply to have an area zoned as a Planned Unit Development District and at the same time apply for approval of a PUD plan. (Code, 2002)

**16.28.090 Zoning and PUD Plan Approval Required Before Development.** A land area shall not be developed as a PUD until the area has been zoned as a Planned Unit Development District and until a PUD plan has been approved. (Code, 2002)

**16.28.100 PUD Plan -- Contents.** The PUD plan is a comprehensive plan submitted to the Town in advance of development, projecting the development and use of an area of land, showing in detail the types and designs of buildings, the uses to which buildings will be put, the locations of the buildings and the location and designs of streets, lanes, parking areas, parks and other open areas. The plan consists of the application for PUD approval, all information, maps,

and other data submitted with the application, and all testimony and exhibits presented by the applicant at hearings held in conjunction with PUD approval. (Code, 2002)

**16.28.110 Application for PUD Plan Approval -- Signatures Required -- Contents.** The process of seeking approval for a PUD plan shall be initiated by the submission of a written application to the Town Clerk. The application shall be signed by each landowner of the land included in the proposed PUD. The application form shall require all of the following information, data, and documents: (Code, 2002)

- A. The legal description of the area; (Code, 2002)
- B. A survey plat showing the outer boundaries of the area and showing elevation contours at two-foot intervals; (Code, 2002)
- C. A site plan showing the location of all buildings, signs, streets, lanes, parking areas, parks, open areas, recreational facilities and all other improvements; the site plan shall show the dimensions of all structures, streets, parking areas, and recreational facilities, and shall show the distances between structures and boundary lines; (Code, 2002)
- D. Preliminary drawings of all buildings, with elevations; (Code, 2002)
- E. A landscape plan showing the location of landscaped areas and containing a narrative statement describing how the area will be landscaped; (Code, 2002)
- F. A preliminary engineering plan for streets, sidewalks, lanes, utility lines, and drainage facilities; (Code, 2002)
- G. An indication of the location, height, and size of proposed signs, lighting and advertising devices; (Code, 2002)
- H. A narrative statement of how each building and structure will be used, the volume of business expected to be conducted at any commercial or industrial establishment, the number of dwelling units in each building, and all other information calculated to disclose, to the extent possible, the uses to which the area will be put and the impact of those uses on the area and on land adjoining the area; (Code, 2002)
- I. A statement of how the co-owned area will be managed, used and maintained, and including a projected budget for a reasonable period of time for the operation and maintenance of such areas; (Code, 2002)
- J. A preliminary development schedule. (Code, 2002)

**16.28.120 Scheduling Planning Commission Hearing.** The Town Clerk shall schedule a date for a public hearing on the application before the Planning Commission at a regular or special meeting. The hearing shall be scheduled as soon as practicable, considering the business demands of the Planning Commission, but, in any case, within forty-five (45) days of the filing of the application. (Code, 2002)

**16.28.130 Review for Building and Fire Code Compliance -- Effect of Non-Compliance -- Approval Not to Affect Building Code Enforcement.** The application and supporting documentation shall be reviewed to determine whether the proposed construction would appear to violate applicable building or fire codes. If it is determined that the proposed construction would violate any applicable building or fire code, no further processing of the application shall occur until the application has been changed by the applicant to eliminate the prospective violations. The fact that

the evaluation report detects no prospective building or fire code violations shall not affect the right and responsibility of the Town to strictly enforce the requirements of applicable building or fire codes in later reviewing final construction plans and specification in connection with building permit applications. (Code, 2002)

**16.28.140 Planning Commission Hearing -- Report -- Access to Reports by Parties in Interest.** The Planning Commission shall review the application and supporting documentation at a public hearing. The Planning Commission shall, if it recommends approval, recommend any conditions and safeguards which it feels should be imposed on the landowner. (Code, 2002)

**16.28.150 Town Board Hearing -- Scheduling -- Notice.** The Town Board shall review the application and supporting documentation at a regular or special hearing occurring within ninety (90) days of the filing of the application. The Town Clerk shall prepare a notice of the hearing, giving the date, time and place of the hearing and the area involved, and inviting attendance at the hearing. The notice shall be published one time in a newspaper of general circulation in the Town at least ten (10) days before the hearing, or posted in three (3) public locations. The Town Clerk shall cause at least two signs containing the same information as contained in the notice to be posted at the site. The posted signs shall be located so as to be reasonably calculated to give notice to persons occupying land in the neighborhood and shall be in place during ten (10) or more days immediately before the hearing. (Code, 2002)

**16.28.160 Town Board Hearing -- Purpose -- Parties in Interest Defined -- Conduct -- Consideration of Reports.** The hearing before the Town Board shall be conducted to give parties in interest an opportunity to present arguments and evidence favoring or opposing the application. The term "parties in interest" includes any of the landowners applying for PUD approval any person or persons selected by them to present their position. any individuals owning or occupying land in the neighborhood surrounding the proposed POD if such land, in the judgment of the Board, probably would be affected by the POD, and any persons selected by such owners or occupiers of neighboring land to present their position. The Board may limit the number of persons presenting arguments and evidence in order to avoid unnecessary duplication. The Board may adopt procedural rules for the conduction of such hearings. (Code, 2002)

**16.28.170 Town Board Decision - - Deadline --Form -- Reasons to be Included.** Within thirty (30) days following the last public hearing or within thirty (30) days following the public hearing or within thirty (30) days following the last public hearing if more than one is held, the Town Board shall decide for or against approval of the PUD plan. The decision shall state, with as much particularity as is reasonably practicable, the reasons for the approval or disapproval of the PUD plan. (Code, 2002)

**16.28.180 Evaluation Criteria of Public Interest and Safeguards to Public Landowners.** The basic criterion for the Town Board to consider in judging a PUD plan is whether it would or would not serve the public interest and whether the self-regulating aspects of the proposed PUD would or would not provide safeguards to the public and to the persons owning and occupying the land area of the PUD, which would be approximately equivalent to the area of safeguards provided by the Town of Nunn Subdivision Regulations. In making that determination, the Town Board shall consider the proposed PUD in terms of compatibility of land uses within the PUD and between those in the neighborhood and those proposed for the PUD, traffic, appearance and recreational potentials, the likelihood that the PUD will achieve the objectives described in this section, and any other matters which the Town Board determines will be relevant in making its decision. (Code, 2002)

**16.28.190 Approval by Town Board -- Grounds -- Non-Conformance of Plan to Conceptual Plan is Grounds for Denial.** The Town Board shall approve the PUD plan if it concludes that the PUD will promote the public interest, will achieve the basic objectives of these regulations, and will not injure the legitimate concerns of the citizens of the Town

in general and of the persons living and working in the surrounding neighborhood in particular. The Town may, however, deny approval to a PUD plan solely on the basis that it fails to sufficiently conform to the conceptual plan on the basis of which the Planned Unit Development District Zoning was granted. (Code, 2002)

**16.28.200 Approval by Town Board -- Simultaneous Zoning and Plan Requests.** In cases where the landowner applies to have an area zoned as a Planned Unit Development District and at the same time applies for approval of a PUD plan, the Town Board may approve the zoning application but deny approval of the specific PUD plan proposed. (Code, 2002)

**16.28.210 Approval by Town Board -- Approval Document.** If the Town approves the PUD plan, the Town Board shall direct the preparation by the Town Attorney of an approval document. The purpose of the document shall be to identify and describe, in as much detail as possible, all aspects of the PUD plan as approved. An additional purpose of the approval document will be to set forth any conditions and undertakings which the landowner must satisfy in the course of construction and development. After such document has been executed, the Town Clerk shall cause the approval document, or an abbreviated form of it, to be recorded in the real estate records of Weld County, Colorado. (Code, 2002)

**16.28.220 Disapproval by Town Board -- Zoning Initiation at Request of Landowner.** If a PUD plan is disapproved by the Town Board, the Town Board shall thereupon, if requested by the landowner, initiate a zoning amendment procedure to place the land in an appropriate zoning district other than the Planned Unit Development District. (Code, 2002)

**16.28.230 Conformance to Approval Document Required -- Review of Plans and Specifications Therefor as Building Permit Requirement.** All construction and other activity on land in a PUD shall be in strict conformity to the approval document. Only if that determination is made favorably to the applicant may building permits be issued. The mistaken issuance of any building permit shall not constitute the waiver of the requirements and limitations of the approval document. (Code, 2002)

**16.28.240 Non-Compliance With Approval Document Unlawful.** Any construction or other activity which is not in strict compliance to the approval document shall constitute an unlawful act. (Code, 2002)

**16.28.250 Uses and Densities in Completed PUD to Conform to Approval Document -- Non-Conformance Unlawful.** After completion of all construction and other development of a PUD, the buildings and land shall be used for activities authorized by the approval document, and at density levels specified therein, and any contrary use or activity shall be an unlawful act. (Code, 2002)

**16.28.260 Buyers After Approval Document is Recorded Are Subject To It.** By acquiring any ownership or possessory interest in land included in a PUD after an approval document or an abbreviated form thereof has been recorded in the real estate records of Weld County, Colorado, an individual becomes obligated to comply with the requirements and limitations of the approval document as though such person has been a landowner at the time the approval document was issued. (Code, 2002)

**16.28.270 Open Space and Common Areas -- State Maintenance and Upkeep Provisions Apply.** It is declared that this title shall not supersede the Planned Unit Development Act of 1972, appearing as Article 67 of the Title 24, C.R.S., 1973, with respect to the provisions of that act pertaining to the continued maintenance and upkeep of open space and other commonly owned areas and the consequences of failing to maintain such areas. In all other respects, these regulations supersede said act. (Code, 2002)

**Chapter 16.32**  
**DESIGN STANDARDS**

**Sections:**

|           |                                       |
|-----------|---------------------------------------|
| 16.32.010 | Compliance with Regulations.          |
| 16.32.020 | General Standards.                    |
| 16.32.030 | Street Plan and General Requirements. |
| 16.32.040 | Street Names.                         |
| 16.32.050 | Streets – Curvature and Alignment.    |
| 16.32.060 | Frontage Near Major Highways.         |
| 16.32.070 | Block Standards.                      |
| 16.32.080 | Lot Sizes and Standards.              |
| 16.32.090 | Easements.                            |
| 16.32.100 | Alleys.                               |
| 16.32.110 | Driveways.                            |
| 16.32.120 | Water Supply.                         |
| 16.32.130 | Storm Drainage System – Requirements. |
| 16.32.140 | Aquifers – Construction Restrictions. |
| 16.32.150 | Floodplain Use Restrictions.          |
| 16.32.160 | Partial Development of a Parcel.      |
| 16.32.170 | Fire Safety Requirements.             |
| 16.32.180 | Street Lights.                        |

**16.32.010 Compliance with Regulations.** No final plat shall be approved unless it complies with the standards set out in this Chapter. (Code, 2002)

**16.32.020 General Standards.**

A. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees. (Code, 2002)

B. Land subject to hazardous conditions, such as landslides, mudflows, rock falls, snow drifts, shallow water table, open quarries, floods, and polluted or non-potable water supply, shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans. (Code, 2002)

C. Provision shall be made to preserve groves of trees, streams, unusually attractive topography, and other desirable natural landscape features. (Code, 2002)

D. A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces.

(Code, 2002)

E. A proposed subdivision shall not by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities are necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public costs of installation, operation and maintenance, and anticipated revenue derived from the fully developed subdivision in determining added net public cost. (Code, 2002)

### **16.32.030 Street Plan and General Requirements.**

A. Street Plan. The arrangement extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and in relation to the proposed use of land to be served. Streets shall be extended to the boundaries of the property, except where such extension is prevented by the topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. All building sites shall have access to a public street. (Code, 2002)

B. Stub Streets. Stub streets or extensions of new streets must be provided to connect to existing stub streets for an efficient street system. Not more than six (6) lots shall front on a stub street except where a temporary turnaround is provided. (Code, 2002)

C. Right-of-way Width. Streets shall have a 60 foot right-of-way width. (Code, 2002)

D. Half-streets. Half streets shall not be permitted unless: (Code, 2002)

1. They are required to complete a half-street already in existence. (Code, 2002)

2. They are required to extend an existing street. (Code, 2002)

E. Dead End Streets. (Not cul-de-sacs) Dead end streets shall not be permitted. (Code, 2002)

F. Cul-de-sac Streets. Permanent cul-de-sac streets not exceeding four hundred (400) feet in length may be permitted and must be provided with a right-of-way radius at the turnaround of sixty-five (65) feet or more. Radius of roadway must be fifty-five (55) feet or more. (Code, 2002)

G. Number of Streets at Intersection. No more than two (2) streets shall intersect at one point. (Code, 2002)

H. Angle of Street Intersection. Streets shall intersect at ninety degrees, except where this may be impractical. Angles of less than ninety degrees may be designed, subject to the approval of the Planning Commission. (Code, 2002)

I. Centerlines of Intersecting Streets. Two streets meeting a third street from opposite sides shall meet at the same point or their centerlines shall be offset at least two hundred (200) feet. This requirement shall not apply to the alignment of opposing cul-de-sac streets. (Code, 2002)

**16.32.040 Street Names.** Streets shall have the names of existing streets which are in alignment in the Town. There shall

be no duplication of street names within the area. The subdivider shall bear full costs for material and installation of street signs. (Code, 2002)

**16.32.050 Streets -- Curvature and Alignment.**

A. To ensure adequate sight distances, when street roadway lines deflect more than five degrees, connection shall be made by horizontal curves. The minimum centerline radius for streets shall be one hundred (100) feet. (Code, 2002)

B. Vertical Curves.

1. Vertical curves shall be used at changes of grade exceeding one percent (1 %), and shall be designed to provide minimum sight distances of two hundred (200) feet. (Code, 2002)

2. No vertical grade shall be less than 0.2 percent in order to facilitate adequate drainage. (Code, 2002)

3. Maximum percent of street grade shall be eight percent (8%). (Code, 2002)

4. Where a horizontal curve occurs on a grade of five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by 0.5 percent of each fifty (50) feet that the curve radius is less than four hundred (400) feet. (Code, 2002)

5. Street grades shall not exceed 4.0 percent for a distance extending at least forty (40) feet in each direction from a street intersection. (Code, 2002)

**16.32.060 Frontage Near Major Highways.** Where a residential subdivision abuts a major highway, service roads may be required. A subdivision that adjoins or contains an existing or proposed freeway or arterial provided in the Comprehensive Plan may be required to provide service roads at least thirty-six (36) feet in roadway width with a sixty foot (60) right-of-way width. (Code, 2002)

**16.32.070 Block Standards.** The lengths, widths, and shapes of blocks shall be determined with due regard to the following: (Code, 2002)

A. Provisions of adequate building sites suitable to the special needs of the type of use contemplated; (Code, 2002)

B. Requirements of the Zoning Ordinance as to lot size and dimensions; (Code, 2002)

C. Need for convenient access, control, and safety of vehicular and pedestrian traffic circulation, and of emergency vehicles; (Code, 2002)

D. Limitations and opportunities of topography; (Code, 2002)

E. Maximum block length between intersecting streets shall be one thousand five hundred (1,500) feet. (Code, 2002)

**16.32.080 Lot Sizes and Standards.**

A. Lot size, width, depth, shape and orientation, and minimum building setback lines, shall be appropriate for the

location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view. No lot shall be more than three times as long as it is wide. (Code, 2002)

B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping or planting area, and loading areas required by the type of use and development contemplated. (Code, 2002)

C. Lots.

1. Town and County Boundaries. No single lot shall be divided by a municipal or county boundary line. (Code, 2002)
2. No Separation by Roads. A lot shall not be divided by a road, alley, or other lot. (Code, 2002)
3. Access. Each lot shall be provided with satisfactory access to an existing public street. (Code, 2002)
4. Corner Lots. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages. (Code, 2002)
5. Wedge Shaped Lots. In the case of wedge-shaped lots, no lot shall be less than thirty (30) feet in width at the front property lines. (Code, 2002)
6. Lot Lines. Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, this shall be indicated. (Code, 2002)
7. Fronting on Public Streets. Double-frontage and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties adjacent commercial uses. (Code, 2002)

#### **16.32.090 Easements.**

A. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties. (Code, 2002)

B. Easements shall be designed so as to provide efficient installation of utilities. Special guying easements at comers may be required. Public utility installations shall be so located as to permit multiple installations within the easements to avoid cross-connections, minimize trenching, and adequately separate incompatible systems. (Code, 2002)

C. The developer shall establish rough cut final utility grades prior to utility installations. (Code, 2002)

**16.32.100 Alleys.** Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plats and be paved. (Code, 2002)

**16.32.110 Driveways.** Driveways shall be provided for vehicular access to each structure or parking or loading area. (Code, 2002)



**16.32.120 Water Supply and Distribution.**

- A. All lots shall be provided water from the Town water system. (Code, 2002)
- B. The water distribution system within any development or subdivision shall be shown graphically. The graphics shall illustrate existing and proposed water lines, fire hydrants, valves, tees and all obvious and identifiable appurtenances thereto. Static pressure and flow rate shall be delineated at each fire hydrant within the subdivision, and at each fire hydrant outside the subdivision for a distance of six hundred (600) feet. The method for analyzing the pipe network system to acquire design values shall be the "Hardy Cross Method", Frictional losses shall be from published data or furnished by the Town of Nunn. Head losses shall be computed using the "Darcy Weisbach" equation. (Code, 2002)
- C. The burden of proof shall lie upon the subdivider developer to show that sufficient water is available at peak demand to provide acceptable pressures for domestic use and fire fighting needs. (Code, 2002)
- D. All water mains shall be within dedicated public rights-of-way. (Code, 2002)
- E. No water main shall be closer than ten (10) feet to any sanitary sewer main or service. (Code, 2002)
- F. Fire hydrants shall be no further than five hundred (500) feet apart. (Code, 2002)
- G. No water main or service shall have less than four and one-half (4½) feet of cover for pipelines twenty (20) inches and smaller nor less than four (4) feet of cover for pipelines larger than twenty (20) inches as measured from finished grade to top of pipe. (Code, 2002)
- H. The minimum size water main in any local street shall be eight (8) inches. The Town reserves the right to oversize the pipe if it deems such action necessary. (Code, 2002)
- I. The minimum size water main in any collector street shall be eight (8) inches. The Town reserves the right to oversize or undersize the pipe if it deems such action necessary. (Code, 2002)
- J. The minimum size water main in any arterial street shall be twelve (12) inches. The Town reserves the right to oversize or undersize the pipe if it deems such action necessary. (Code, 2002)
- K. Material and installation specifications shall be in accordance with the Town's water department standards. (Code, 2002)

**16.32.130 Storm Drainage System – Requirements.**

- A. Drainage areas shall be left in a natural state unless otherwise approved by the Planning Commission. (Code, 2002)
- B. A plan to prevent pollution or disturbance of a natural waterway shall be submitted whenever and wherever modification of topography, as required by construction, within any distance of a waterway that stands to be affected by said construction. (Code, 2002)

C. A drainage plan shall be designed for any lot, parcel, or subdivision, by an engineer licensed by the State of Colorado. (Code, 2002)

D. The drainage plan shall be shown graphically and shall include, but not be limited to, the following information: (Code, 2002)

1. Existing topography of the site; (Code, 2002)
2. Proposed topography of the site; (Code, 2002)
3. Proposed improvements to the site; (Code, 2002)
  4. Above ground and underground storm sewer facilities proposed; (Code, 2002)
  5. Above ground and underground storm sewer facilities proposed; (Code, 2002)
  6. Details of any structure designed to facilitate the diversion or containment of storm water; (Code, 2002)
  7. Calculated flows (Q's) for a five-year storm frequency and a one-hundred- year storm frequency at all street intersections, intersecting water courses, inlets to below ground facilities, and outlets from below ground facilities. (Code, 2002)
  8. Five-year and one-hundred-year flows (Q's) from any adjacent properties. with said flows (Q's) being a consideration in said plan; (Code. 2002)
  9. The sequence of construction of all facilities as relates to the development construction; (Code, 2002)
  10. Easements dedicated for watercourses. pipelines. etc.. for the purpose of maintaining same; (Code, 2002)
  11. Method of detaining any storm through a one-hundred-year frequency with a discharge equal to, or less than that of a five-year historic frequency; (Code, 2002)
  12. The carrying capacity of all above ground and below ground facilities; (Code, 2002)
  13. The top of foundation elevation for each lot; (Code, 2002)
  14. The design elevation at the highest comer of each lot and the design elevation at the lowest corner of each lot; (Code, 2002)
  15. A general location map for the subdivision showing the entire drainage basin involved and development accurately outlined on same. The acreage within and without the development shall be shown. (Code, 2002)

E. The Town shall designate the information source from which all storm design values must be extracted for the purpose of the design. (Code, 2002)

F. It is suggested and encouraged that detention and retention facilities serve a multipurpose function, i.e.

parks, recreation, etc.

- G. Flow arrows clearly showing the runoff flow pattern throughout the development must be given. (Code, 2002)
- H. The impact of a five-year frequency storm discharge on any downstream structures and waterways must be furnished. (Code, 2002)
- I. Pipe size shall be sufficient to accommodate the computed flow of a five-year storm with zero head. No underground storm water pipe smaller than eighteen (18) inches diameter shall be used without written permission of the Planning Commission. No underground storm water pipe smaller than twelve inches (12) diameter shall be allowed. The Town reserves the right to oversize any pipe. (Code, 2002)
- J. The velocity in an unlined water course shall not be designed to reach that velocity which may cause erosion of said water courses. No open water course exceeding two (2) feet in depth shall be constructed without lining and fencing unless specifically permitted in writing by the Planning Commission. (Code, 2002)
- K. Upon construction completion of the drainage facilities, whether in whole or in part and prior to said facilities being acceptable to the Town, a letter from an engineer licensed in the State of Colorado shall be submitted to the Planning Commission attesting that said facilities have been constructed in accordance with the design approved by the Commission. Said letter shall bear the signature and seal of said engineer. The drainage facilities shall be considered as unacceptable by the Town until said letter is received and acknowledged by the Planning Commission. (Code, 2002)
- L. No lot, parcel, or development shall be allowed to discharge storm water at a rate which exceeds the historic runoff rate of a calculated five-year storm, unless first approved by the Planning Commission. (Code, 2002)
- M. It will be unacceptable for any storm of one hundred-year frequency and smaller to be designed to exceed the dedicated right-of-ways and drainage easement boundaries. (Code, 2002)
- N. No landowner shall alter the drainage pattern of any lot such as to increase the quantity or decrease the time of storm water runoff onto adjacent properties, nor shall any landowner impede the flow of storm water through easements dedicated in whole or in part for drainage. (Code, 2002)

**16.32.140 Aquifers -- Construction Restrictions.**

- A. Any use of land which would pollute or contaminate an aquifer is prohibited. (Code, 2002)
- B. The following regulations apply to development over aquifers that are within twenty (20) feet of the land surface and the areas of aquifer recharge: (Code, 2002)

1. Construction of buildings shall not be permitted unless approved by the State Health Department and the Colorado Geological Survey; (Code, 2002)

2. Building construction shall have foundations designed by a professional engineer. (Code, 2002)

**16.32.150 Floodplain Use Restrictions.** For regulations regarding floodplain use restrictions, refer to Ordinance No.

142. (Code, 2002)

**16.32.160 Partial Development of a Parcel.** Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel. (Code, 2002)

**16.32.170 Fire Safety Requirements.**

- A. All subdivisions shall be required to provide minimum fire protection. (Code, 2002)
- B. Fire hydrants shall be spaced no more than five hundred feet (500) apart. (Code, 2002)
- C. A fire hydrant shall be located at the entrance of each cul-de-sac street. (Code, 2002)
- D. Minimum waterline size shall be six (6) inches within all subdivisions. (Code, 2002)
- E. Fire hydrants that have two and one-half inch outlets shall have the National Standard and one-half inch streamers shall have National Standard Threads, four threads per inch. (Code, 2002)
- F. Minimum residual pressure of twenty to thirty psi under fireflow conditions at the fire hydrant will be considered to provide minimum fire protection. (Code, 2002)
- G. Fire hydrants shall be located on dedicated street rights-of-way, and be accessible to the standard fire pumper. (Code, 2002)

**16.32.180 Street Lights.** Ornamental street lighting and associated street lighting supply circuits shall be installed. The minimum requirements shall be seven thousand lumen lamps at a maximum spacing of four hundred feet. The street lighting plan specifying the number, kind, and approximate location of street lights must be included with the final plat. (Code, 2002)

**Chapter 16.36**  
**IMPROVEMENTS AND UTILITIES**

**Sections:**

- 16.36.010 Improvements to be Constructed by Subdivider.
- 16.36.020 Improvements Required for Development of Half-Streets.
- 16.36.030 Construction Inspection, Material Testing and Final Plans.
- 16.36.040 Final Inspection.
- 16.36.050 Issuance of Building Permits and Certificates of Occupancy.

**16.36.010 Improvements to be Constructed by Subdivider.** The following improvements, if not already in place, shall be constructed at the expense of the subdivider in a manner which is consistent with sound construction

practices. Where specific requirements are spelled out in other sections of these regulations, they shall apply. (Code, 2002)

- A. Road grading and surfacing; (Code, 2002)
- B. Storm drainage system, as required; (Code, 2002)
- C. Water distribution system; (Code, 2002)
- D. Street signs at all street intersections; (Code, 2002)
- E. Permanent reference monuments and monument boxes; (Code, 2002)
- F. Street lighting. (Code, 2002)

**16.36.020 Improvements Required for Development of Half-Streets.**

- A. Development of half-streets shall not be permitted unless: (Code, 2002)
  - 1. The developer obtains for the Town a dedication from the abutting land owner of the other one-half of the street; and (Code, 2002)
  - 2. The developer obtains from the abutting landowner an agreement, in a form satisfactory to the Town, which guarantees the cost of the improvements and construction of the same within time suitable to the Town; and (Code, 2002)
  - 3. The developer guarantees the construction of the improvements on the half- street which he is dedicating. (Code, 2002)
- B. Building permits shall not be issued for lots fronting on half-streets unless the requirements of this section and are complied with. (Code, 2002)

**16.36.030 Construction Inspection, Material Testing and Final Plans.**

- A. The developer shall notify the Town in advance of any construction work in order to permit the Town to conduct certain inspections. (Code, 2002)
- B. The developer shall, at his expense and as directed by the Town, provide the Town with a reasonable number of test reports of materials used in the subdivision improvements. Such testing to be made on asphaltic paving material, street base material, and other material as may be reasonably be required by the Town. (Code, 2002)
- C. The developer shall provide the Town, at no expense, three (3) sets of "as built" drawings and plans of all subdivision improvements as constructed by the developer within one hundred twenty (120) days following the completion of the improvements and one reproducible set of drawings and plans within thirty (30) days of the Town's acceptance of the improvements, signed and dated by the person attesting to the accuracy of the as-builts. (Code, 2002)

**16.36.040 Final Inspection.**

A. Following the completion of the installation or construction of streets, water works improvements, and other subdivision improvements, the developer shall call for, and the Town shall provide, a final inspection of required subdivision improvements. Upon approval of said construction, the Town shall issue to the developer a statement approving the subdivision improvements. (Code, 2002)

**16.36.050 Issuance of Building Permits and Certificates of Occupancy.**

A. A building permit shall not be issued until the following improvements have been installed by the developer and inspected by the Town: (Code, 2002)

1. Water mains; (Code, 2002)
2. Fire hydrant within five hundred feet (500') of construction site. (Code, 2002)

B. A certificate of occupancy shall not be issued until all of the improvements to be constructed by the developer are completed and approved by the Town. Exception: if a condition exists which is beyond the control of the developer, such as weather or frozen ground, and prevents completion of the development, then a certificate of occupancy may be issued provided the following items are completed: (Code, 2002)

1. All required utilities are installed, including fire hydrants. (Code, 2002)
2. Street grading and base construction are complete. (Code, 2002)
3. The required developments under this section shall be inspected, approved by the Town prior to issuance of a certificate of occupancy. (Code, 2002)

**Chapter 16.40**  
**VARIANCES**

**Sections:**

- 16.40.010 Application Requirements.  
16.40.020 Criteria for Consideration.  
16.40.030 Grant Conditions.

**16.40.010 Application Requirements.** Application for variance or modification of these regulations shall be submitted to the Planning Commission. Such application shall include a statement setting forth the nature and extent of the requested variance or modification together with evidence supporting need for such variance. (Code, 2002)

**16.40.020 Criteria for Consideration.** Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance is based on a finding that unusual topography or other

exceptional conditions not caused by the subdivider make such variance necessary, and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations. (Code, 2002)

**16.40.030 Grant Conditions.** In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements and standards so varied or modified. (Code, 2002)

## **Chapter 16.42** **PROCEDURE FOR MINOR REPLATS**

### **Sections:**

16.42.010 Procedure for Minor Replats.

#### **16.42.010 Procedure for Minor Replats.**

A. Definition “Minor Replat” means the division of a lot, tract, or parcel of land into not more than five (5) lots, plats, sites, or other divisions of land, for the purpose, whether immediate or future, of sale or building development. (Code, 2002)

B. An abbreviated review can be obtained for those requesting a minor replat which changes the number of lots in a recorded plat. The purpose of the abbreviated review is to serve as a means of obtaining a more expedient resubdivision approval than that of the complete subdivision process. The minor replatting of a recorded plat may be granted if the applicant can demonstrate that the proposed replatting meets all of the following criteria: (Code, 2002)

1. No lot or parcel of land shall be created or sold that is less than the minimum requirements for the area or dimensions as established by subdivision regulations, the zoning ordinance, or other applicable regulations or ordinances; (Code, 2002)
2. Drainage and utility easements shall not be changed, unless supported by complete engineering data supporting the change; (Code, 2002)
3. Street locations and street rights-of-way shall not be changed; (Code, 2002)
4. No perimeter boundary of a recorded subdivision plat is affected; (Code, 2002)
5. The plat shall not be altered in a way which will adversely or substantially affect the character of the plat filed; (Code, 2002)
6. The minor replat shall not create more than five (5) lots. (Code, 2002)

C. **Review Conference.** Prior to a request for a minor replat, the modified plans shall be submitted for review

by the Planning Commission in an informal conference with the subdivider/applicant. The conference is intended to be for the mutual exchange of information and reasons for the minor replat requests. A primary concern shall be the degree to which the proposed subdividing meets the Town's land use policies and the Comprehensive Plan. The Planning Commission shall communicate its decision to the subdivider/applicant within ten (10) days of receiving the completed application. (Code, 2002)

D. Submittal Requirements. The minor replat shall be an original drawing in black ink on 24" x 36" single/double matte mylar or a photographic blackline positive mylar of the same and shall contain the following information: (Code, 2002)

1. Subdivision name, prior subdivision name, city, county, and state; (Code, 2002)
2. Legal description of the subdivision and land area contained therein; (Code, 2002)
3. An Ownership and Encumbrance Report from a title company showing all holders of legal interest in the affected property: (Code. 2002)
4. "Amendment History" section outlining previous approval dates of Final Plats and the changes being proposed; (Code, 2002)
5. Surveyor's certificate; (Code, 2002)
6. Boundary lines, fully dimensioned of the subdivision and all newly created lots; (Code, 2002)
7. Scale (graphic and written), and north arrow; (Code. 2002)
8. The submittal may include letters of comment from any referral agencies, departments, and/or homeowners' associations, where appropriate; and (Code, 2002)
9. Other information deemed necessary by the Town staff to respond to the request. (Code, 2002)

E. Review and Recordation. Where the replatting complies with the appropriate requirements of these regulations, the plat, along with the developer's agreement, if any, shall be submitted to the Nunn Town Board for their final approval. This submittal is required prior to the filing of such plats and developer's agreement with the County Clerk and Recorder. Such plat shall specifically indicate the revisions being made to the previously recorded plat. (Code, 2002)

F. Fees. A Fee of \$100.00 plus \$10.00 per lot shall be submitted with each application for a minor replat. The fees established by this Ordinance may be modified by the Town Board by Resolution. This fee may be modified in the future by the passage of a Resolution by the Town Board. (Code, 2002)

**Chapter 16.44**  
**FEE SCHEDULE**



**Sections:**

- 16.44.010 Submittal and Recording Fees.
- 16.44.020 Additional Costs.
- 16.44.030 Fee Schedule.

**16.44.010 Submittal and Recording Fees.** There shall be required a fee for each plan and plat submitted for approval. The following fees shall be paid at the time of submission of such plans or plats to the Town. (Code, 2002)

- A. Sketch plan: Twenty-five dollars (\$25.00); (Code, 2002)
- B. Preliminary plan: One hundred dollars (\$100.00), plus ten dollars (\$10.00) per lot; (Code, 2002)
- C. Final plat: One hundred dollars (\$100.00) for each filing; (Code, 2002)
- D. Postage for mailing of certified copies of Notice to adjoining landowners, and publication cost for publication of Notice as may be required. (Code, 2002)
- E. Recording fee, as required by the Weld County Clerk and Recorder; (Code, 2002)

**16.44.020 Additional Costs.** Any additional costs may be required as made necessary by unusual circumstances and more than ordinary review and other services to be provided by the Town, or by any person or agency with which the Town may contract for various services in connection with review of a proposed subdivision. (Code, 2002)

**16.44.030 Fee Schedule.** The fees set forth herein may be changed or supplemented from time to time by a fee schedule adopted by resolution of the Town Board. (Code, 2002)

**Chapter 16.46**  
**VESTED PROPERTY RIGHTS**

**Sections:**

- 16.46.010 Intent.
- 16.46.020 Definitions.
- 16.46.030 Notice and Hearing.
- 16.46.040 Development Agreementes.
- 16.46.050 Notice of Approval.
- 16.46.060 Approval – Effective Date – Amendments.
- 16.46.070 Payment of Costs.
- 16.46.080 Other Provisions Unaffected.
- 16.46.090 Limitations.

**16.46.010 Intent.** The intent of this Chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, and to effectuate local control over creation of vested property rights to the fullest extent permitted under the law. (Code, 2001)

**16.46.020 Definitions.**

A. "Site Specific Development Plan" shall mean a map, plat, or site plan that has been submitted to the Town by a landowner or such landowner's representative describing the reasonable certainty, type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of the following: final site plan, final subdivision plat, planned unit development plan, Use by Special Review, or as otherwise agreed by the Town Board and the owner for a specific project or development phase which occurs prior to building permit application for those vested rights, and has submitted an application and receives approval by the Town Board. A "site specific development plan" deemed to have been created, a "site specific development plan" shall not include a variance, sketch plan, or preliminary plan. (Code, 2001)

B. "Vested Property Right" shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. A property right which becomes vested upon final approval of an ordinance or resolution, as the case may be, shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Town Board. The Town shall conduct a hearing at the request of the landowner, which hearing follows the successful approval of the development at all other required stages of the development review process. Failure of the landowner to request such hearing renders the approval not a "site specific development plan," and no vested rights shall be deemed to have been created. (Code, 2001)

**16.46.040 Notice and Hearing.**

A. No Site Specific Development Plan shall be approved until after a public hearing, preceded by written notice of such hearing which is published in a newspaper of general circulation at least ten (10) days prior to such hearing. Such notice may, at the Town's option, be combined with the notice required for final plan approval, or any other required notice. At such hearing, interested persons shall have an opportunity to be heard. (Code, 2001)

B. The Town Board may approve a Site Specific Development Plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. The conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights. (Code, 2001)

**16.46.040 Development Agreements.** The Town Board may enter into development agreements with landowners that provide property rights shall be vested for a period exceeding three (3) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. (Code, 2001)

**16.46.050 Notice of Approval.** Each map, plat, or other document constituting a site specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after

approval of the site specific development plan, in a newspaper of general circulation. (Code, 2001)

**16.46.060 Approval -- Effective Date -- Amendments.** A Site Specific Development Plan shall be deemed approved when the Town Board approves the related Ordinance or Resolution subject to the right of appeal and judicial review. In the event amendments to a Site Specific Development are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of approval of the original Site Specific Development Plan, unless the Town Board specifically finds to the contrary and incorporates such finding in its approval of the amendment. (Code, 2001)

**16.46.070 Payment of Costs.** In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a Site Specific Development Plan shall pay all costs occasioned to the Town as a result of the Site Specific Development Plan review, including publication of notices, public hearing and review costs, which costs may be established by the Town Board by Resolution. (Code, 2001)

**16.46.080 Other Provisions Unaffected.** Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of this Code pertaining to the development and use of property. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the Town including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. (Code, 2001)

**16.46.090 Limitations.** Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Chapter shall be deemed to be repealed, and the provisions hereof no longer effective. (Code, 2001)

## **Chapter 16.48** **VIOLATION**

### **Sections:**

- 16.48.010 Violation – Penalty.
- 16.48.020 Violation – Injunction.

**16.48.010 Violation -- Penalty.** Any person who violates any of the provisions of these regulations is guilty of a violation of this Chapter and shall be punished as provided therein. (Code, 2002)

**16.48.020 Violation -- Injunction.** Any violation of these regulations shall be subject to immediate injunctive action. It is expressly declared that the Town of Nunn has no adequate remedy at law for any violation of these regulations and that immediate, irreparable harm will result to the Town from any such violation. Upon being informed of a violation of these regulations, the Town Attorney may apply to any court of competent jurisdiction for injunctive relief. (Code, 2002)



**TITLE 17**  
**ZONING**

**Chapters:**

|                     |  |
|---------------------|--|
| <b><u>17.04</u></b> | <b><u>DISTRICTS</u></b>                                  |
| <b><u>17.08</u></b> | <b><u>APPLICATION AND REGULATION</u></b>                 |
| <b><u>17.10</u></b> | <b><u>R-1 SINGLE FAMILY RESIDENTIAL DISTRICT</u></b>     |
| <b><u>17.12</u></b> | <b><u>R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT</u></b>   |
| <b><u>17.16</u></b> | <b><u>MH-MOBILE HOME PARK DISTRICT</u></b>               |
| <b><u>17.20</u></b> | <b><u>C-COMMERCIAL DISTRICT</u></b>                      |
| <b><u>17.24</u></b> | <b><u>I-INDUSTRIAL DISTRICT</u></b>                      |
| <b><u>17.28</u></b> | <b><u>A-AGRICULTURAL DISTRICT</u></b>                    |
| <b><u>17.32</u></b> | <b><u>SUPPLEMENTARY REGULATIONS</u></b>                  |
| <b><u>17.36</u></b> | <b><u>NON-CONFORMED USES</u></b>                         |
| <b><u>17.40</u></b> | <b><u>BUILDING REVIEW</u></b>                            |
| <b><u>17.44</u></b> | <b><u>BOARD OF ADJUSTMENT, VARIANCE</u></b>              |
| <b><u>17.48</u></b> | <b><u>AMENDMENTS</u></b>                                 |
| <b><u>17.50</u></b> | <b><u>ENFORCEMENT</u></b>                                |
| <b><u>17.52</u></b> | <b><u>DEFINITIONS</u></b>                                |
| <b><u>17.58</u></b> | <b><u>VIOLATION AND PENALTY</u></b>                      |
| <b><u>17.60</u></b> | <b><u>OFF STREET PARKING AS APPURTENANT USE ONLY</u></b> |
| <b><u>17.62</u></b> | <b><u>REVIEW OF PERMITS FOR FLOOD HAZARDS</u></b>        |
| <b><u>17.64</u></b> | <b><u>DETERMINING FLOOD HAZARDS</u></b>                  |

**Chapter 17.04**  
**DISTRICTS**

**Sections:**

- 17.04.010 Establishment of Districts.
- 17.04.020 Zoning Map.

**17.04.010 Establishment of Districts.** In order to carry out the provisions of this ordinance, the Town of Nunn, Colorado, is hereby divided into the following zoning districts: (Ord. 120, 1972)

- R-1: Single Family Residential District (Ord. 120, 1972)
- R-2: Multiple Family Residential District (Ord. 120, 1972)
- MH: Mobile Home Park District (Ord. 120, 1972)
- C: Commercial District (Ord. 120, 1972)

- I: Industrial District (Ord. 120, 1972)  
 A: Agricultural District (Ord. 120, 1972)

**17.04.020 Zoning Map.** The boundaries of these districts are established as shown on a map entitled “Zoning District Map” of the Town of Nunn, Colorado, dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, which map is hereby made a part of this Title. (Ord. 120, 1972)

## **Chapter 17.08** **APPLICATION AND REGULATIONS**

### **Sections:**

- 17.08.010 Existing Buildings.  
 17.08.020 General Applications.

**17.08.010 Existing Buildings.** The regulations herein are not retroactive in their application on existing buildings. (Ord. 120, 1972)

**17.08.020 General Application.** Except as otherwise provided, no buildings, or other structure, or land shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the Town limits, or structurally altered except in conformance with the regulations herein specified for the district in which such building is located. (Ord. 120, 1972)

## **Chapter 17.10** **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

### **Sections:**

- 17.10.010 Uses Permitted.  
 17.10.020 Minimum Lot Area.  
 17.10.030 Minimum Lot Width.  
 17.10.040 Minimum Front Yard.  
 17.10.050 Minimum Side Yard.  
 17.10.060 Minimum Rear Yard.  
 17.10.070 Minimum Floor Area.  
 17.10.080 Floor Area Ratio.  
 17.10.090 Minimum Off Street Parking.  
 17.10.100 Minimum Open Space.  
 17.10.110 Maximum Building Height.

17.10.120 No Livestock or Poultry.

**17.10.010 Uses Permitted.**

- A. Single family dwellings; (Ord. 120, 1972)
- B. Public schools, parks, playgrounds, and recreational areas; (Ord. 120, 1972)
- C. Churches and Church Schools; (Ord. 120, 1972)
- D. Hospitals; (Ord. 120, 1972)
- E. Public utilities – mains, transmission and distribution lines, substations and exchanges only; (Ord. 120, 1972)
- F. Home occupations; (Ord. 120, 1972)
- G. Identification signs – one single-face sign per lot, and only if such signs are unlighted, less than three square feet in area, and describes the use on the lot upon which it is located. (Ord. 120, 1972)
- H. Fences, hedges and walls – provides such uses are less than 3½ feet in height when constructed of materials tending to obstruct motorists’ vision, and when located within 75 feet of the centerline intersection of two streets or roads; (Ord. 120, 1972)
- I. Accessory buildings and uses normally appurtenant to single family residences. (Ord. 120, 1972)

**17.10.020 Minimum Lot Area.**

Per dwelling .....10,000 square feet  
(Ord. 120, 1972)

**17.10.030 Minimum Lot Width.**

Per dwelling .....75 feet (Ord. 120, 1972)

**17.10.040 Minimum Front Yard.**

Principal Buildings.....25 feet (Ord. 120, 1972)  
Accessory Buildings.....25 feet (Ord. 120, 1972)

**17.10.050 Minimum Side Yard.**

Principal Buildings.....10 feet on each side (Ord. 120, 1972)

Accessory Buildings.....5 feet on each side (Ord. 120, 1972)  
Side yard abutting a street.....25 feet (Ord. 120, 1972)

**17.10.060 Minimum Rear Yard.**

Principal Buildings.....30 feet (Ord. 120, 1972)  
Accessory Buildings..... 5 feet (Ord. 120, 1972)

**17.10.070 Minimum Floor Area.** (not including basement, carport, or garage)

Per dwelling.....750 feet (Ord. 120, 1972)

**17.10.080 Floor Area Ratio.** .....not to exceed 0.4 (Ord. 120, 1972)

**17.10.090 Minimum Off Street Parking.**

Per dwelling.....two spaces ((Ord. 120, 1972)

**17.10.100 Minimum Open Space.**

Per dwelling.....30% total lot area. (Ord. 120, 1972)

**17.10.120 No Livestock or Poultry.** (Ord. 120, 1972)

**17.10.130 Dwelling Must Face Street.** The structure for a dwelling must be placed in such a manner that the longest side and having the primary entrance must face the street.

**Chapter 17.12**  
**R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

**Sections:**

- 17.12.010 Uses Permitted.
- 17.12.020 Minimum Lot Area Per Dwelling Unit in Square Feet.
- 17.12.030 Minimum Lot Width.
- 17.12.040 Minimum Front Yard.
- 17.12.050 Minimum Side Yard.



- 17.12.060 Minimum Rear Yard.
  - 17.12.070 Minimum Ground Floor Area per Dwelling Unit (not including basement, garage or carport)
  - 17.12.080 Floor Area Ratio.
  - 17.12.090 Minimum Off Street Parking.
  - 17.12.100 Minimum Open Space.
  - 17.12.110 Maximum Building Height.
  - 17.12.120 No Livestock or Poultry.

**17.12.010 Uses Permitted.**

- A. Any uses permitted in the R-2 District, single family dwelling must conform to the requirements as set forth in Section 17.10. (Ord. 120, 1972)
- B. Two-family dwelling. (Ord. 120, 1972)
- C. Multiple family dwelling. (Ord. 120, 1972)

**17.12.020 Minimum Lot Area Per Dwelling Unit in Square Feet.**

- A. Two-family dwelling.....5,000 (Ord. 120, 1972)
- B. Multiple family dwelling
  - 1. 4 bedroom or over.....5,000 (Ord. 120, 1972)
  - 2. 3 bedroom.....3,500 (Ord. 120, 1972)
  - 3. 2 bedroom.....2,600 (Ord. 120, 1972)
  - 4. 1 bedroom or efficiency.....2,000 (Ord. 120, 1972)

**17.12.030 Minimum Lot Width.**

- A. Two-family dwelling.....75 feet (Ord. 120, 1972)
- B. Multiple family dwelling.....100 feet (Ord. 120, 1972)

**17.12.040 Minimum Front Yard.**

All dwellings..... 25 feet (Ord. 120, 1972)

**17.12.050 Minimum Side Yard.**

- A. Two-family dwelling.....10 feet on each side. (Ord. 120, 1972)
- B. Multiple family dwelling.....Two side yards having a combined width of 15 feet and  
neither side yard less than 5 feet. (Ord. 120, 1972)

**17.12.060 Minimum Rear Yard.**

- A. Two-family dwelling.....30 feet (Ord. 120, 1972)
- B. Multiple family dwelling.....25 feet (Ord. 120, 1972)

**17.12.070 Minimum Ground Floor Area per Dwelling Unit (not including basement, garage or carport).**

- A. Two-family dwelling.....600 square feet (Ord. 120, 1972)
- B. Multiple family dwelling.....500 square feet (Ord. 120, 1972)

**17.12.080 Floor Area Ratio.**

- A. Two-family dwelling.....not to exceed 0.5 (Ord. 120, 1972)
- B. Multiple family dwelling.....not to exceed 0.5 (Ord. 120, 1972)

**17.12.090 Minimum Off Street Parking.**

- A. Two-family dwelling.....two spaces per dwelling (Ord. 120, 1972)
- B. Multiple family dwelling.....two spaces per dwelling (Ord. 120, 1972)

**17.12.100 Minimum Open Space.**

- A. Two-family dwelling.....not less than 3,000 square feet per dwelling unit (Ord. 120, 1972)
- B. Multiple family dwelling.....not less than 900 square feet per dwelling unit (Ord. 120, 1972)

**17.12.110 Maximum Building Height.** Requirements same as for single-family residential district. (Ord. 120, 1972)

**17.12.120 No Livestock or Poultry.**

**Chapter 17.16**  
**MH-MOBILE HOME DISTRICT**

**Sections:**

- 17.16.010 Uses Permitted.
- 17.16.020 General Requirements.
- 17.16.030 No Livestock or Poultry.

**17.16.010 Uses Permitted.**

- A. When approved as a planned unit development. (Ord. 120, 1972)
- B. Planned unit development on a site not less than five (5) acres in area. (Ord. 120, 1972)

**17.16.020 General Requirements.**

- A. Reference should be made to the Subdivision Ordinance for the Town of Nunn for the requirements and procedure for submission of a Planned Unit Development Plan. (Ord. 120, 1972)
- B. All mobile homes must have permanent foundation and tongues, axles, and wheels must be removed, and taxed ad valorem as a permanent dwelling. (Ord. 120, 1972)

**17.16.030 No Livestock or Poultry.**

**Chapter 17.20**  
**C-COMMERCIAL DISTRICT**

**Sections:**

- 17.20.010 Uses Permitted.
- 17.20.020 General Requirements.
- 17.20.030 Minimum Lot Area.
- 17.20.040 Minimum Lot Width.
- 17.20.050 Minimum Front Yard.

- 17.20.060 Minimum Side Yard.
- 17.20.070 Minimum Rear Yard.
- 17.20.080 Minimum Floor Area.
- 17.20.090 Maximum Building Height.

**17.20.010 Uses Permitted.**

A. Any general business and commercial retail activity, including: (Ord. 120, 1972)

- 1. Automobile repair shops; (Ord. 120, 1972)
- 2. Bakeries; (Ord. 120, 1972)
- 3. Banks; (Ord. 120, 1972)
- 4. Laundries; (Ord. 120, 1972)
- 5. Personal Service Shops; (Ord. 120, 1972)
- 6. Restaurants and Tea Rooms; (Ord. 120, 1972)
- 7. Printing and Publishing Establishments; (Ord. 120, 1972)

B. Boarding and rooming houses. (Ord. 120, 1972)

C. Hotels and motels, including incidental business. (Ord. 120, 1972)

D. Medical and dental clinics. (Ord. 120, 1972)

E. Membership clubs – subject to approval of the Planning Commission. (Ord. 120, 1972)

F. Nurseries and greenhouses. (Ord. 120, 1972)

G. Private schools and uses 2, 3, 4, 5 permitted under III-A. (Ord. 120, 1972)

H. Professional offices. (Ord. 120, 1972)

I. Identification signs – provided such signs are for identification of a business located on the premises and do not exceed ten (10) square feet for any one sign, and provided the total area of signs displayed by any one establishment does not exceed one square foot or sign surface for each three (3) feet of frontage actually occupied by the building within such business is located. (Ord. 120, 1972)

J. Governmental offices, police and fire stations. (Ord. 120, 1972)

**17.20.020 General Requirements.**

A. Goods sold shall consist primarily of new merchandise and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for special uses. (Ord. 120, 1972)

B. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water carried waste. (Ord. 120, 1972)

C. The following uses which may create unusual traffic hazards must receive special approval by the Planning Commission: (Ord. 120, 1972)

- 1. Places serving food or beverages outside of an enclosed building. (Ord. 120, 1972)
- 2. Places of amusement or recreation. (Ord. 120, 1972)
- 3. Advertising sign boards. (Ord. 120, 1972)
- 4. Gasoline stations. (Ord. 120, 1972)

**17.20.030 Minimum Lot Area.**

Per motel, hotel, rooming house or resort lodge.....6,000 square feet (Ord. 120, 1972)

**17.20.040 Minimum Lot Width.**

Per motel, hotel, rooming house or resort lodge.....50 feet (Ord. 120, 1972)

**17.20.050 Minimum Front Yard.** Where all frontage on side of the street between intersecting streets is zoned as a Commercial District, no setback shall be required. Where the frontage of one side of a street between two intersecting streets is zoned partly as residential and partly as business, the setback requirements of the R-2 Multiple Family Residential District shall apply to the entire frontage. (Ord. 120, 1972)

**17.20.060 Minimum Side Yard.**

A. No side yard shall be required of a building constructed of masonry or fire proof materials provided the wall or walls are located on a property line. In all other cases, a side setback of three (3) feet shall be required. In the event rear access to the property is not available, then a twelve (12) foot setback shall be required on one side. (Ord. 120, 1972)

B. For motels, hotels, and rooming houses, the side yard requirements for multiple family dwelling of the R-2 Residential District shall apply. (Ord. 120, 1972)

**17.20.070 Minimum Rear Yard.**

All buildings.....2 feet (Ord. 120, 1972)

**17.20.080 Minimum Floor Area.**

- A. Per unit for motels, hotels.....300 square feet (Ord. 120, 1972)
- B. Per occupant for rooming and boarding houses...200 square feet (Ord. 120, 1972)
- C. All other permitted uses.....300 square feet (Ord. 120, 1972)

**17.20.090 Maximum Building Height.** Not to exceed forty (40) feet or three (3) stories in height. (Ord. 120, 1972)

**Chapter 17.24**  
**I-INDUSTRIAL DISTRICT**

**Sections:**

- 17.24.010 Uses Permitted.
- 17.24.020 General Requirements.
- 17.24.030 Minimum Front Yard.
- 17.24.040 Minimum Side Yard.
- 17.24.050 Minimum Rear Yard.
- 17.24.060 Minimum Off Street Parking.
- 17.24.070 Maximum Building Height.

**17.24.010 Uses Permitted.** A lot, parcel, or tract of land may be used, and/or buildings or structures may be erected, altered, or remodeled and used for a use that is determined by the Planning Commission and the Town Board. This use shall not be injurious and offensive to the occupants of adjacent premises by reason of emission or creation of excessive noise, vibration, smoke, dust, or other particulate matter, toxic, noxious materials, odors, fire or explosive hazards or glare or heat and in conjunction with any other ordinances or codes of the Town of Nunn. (Ord. 120,1972)

**17.24.040 General Requirements.**

- A. The Planning Commission is authorized to recommend to the Town Board approval or denial of all uses in the Industrial District. Applicant for Industrial District use must receive prior approval of the Planning Commission and Town Board. (Ord. 120. 1972)
- B. Application for Industrial District use shall be accompanied by the following: (Ord. 120, 1972)

- 1. Certified boundary survey of property for which application is made. (Ord. 120, 1972)

2. Plot plan showing location of all proposed buildings, parking areas, ingress and egress, waste disposal areas, other construction features, and landscaping. (Ord. 120, 1972)

3. Description of proposed operation in sufficient detail to indicate effects of operation in producing air and water pollution, odor, noise, glare, fire or other safety hazards, and traffic congestion. (Ord. 120, 1972)

4. Plans for disposal of sewage or other wastes. (Ord. 120, 1972)

5. Plans for water supply. (Ord. 120, 1972)

6. Plan showing drainage facilities. (Ord. 120, 1972)

7. Architectural elevations for any proposed buildings. (Ord. 120, 1972)

8. Proposed number of shifts to be worked and maximum number of employees. (Ord. 120, 1972)

9. Identification signs: size, type, location and number. (Ord. 120, 1972)

C. Residential uses will be limited to living quarters for custodian, guard, or maintenance personnel only, in connection with an industrial use being carried on upon the same premises. (Ord. 120,1972)

**17.20.030 Minimum Front Yard.**

A. All buildings and structures.....50 feet (Ord. 120, 1972)

B. The first fifteen (15) feet of the front yard shall be used exclusively for landscaping and ingress and egress. (Ord. 120, 1972)

**17.24.040 Minimum Side Yard.**

A. No side yard shall be required of a building constructed of masonry or fireproof materials, provided the wall or walls are located on a property line. (Ord. 120, 1972)

B. A side yard of fifteen (15) feet on each side shall be required if a building is to be constructed of non-fire proof materials. (Ord. 120, 1972)

C. In the event rear access to the property is not available, a side yard of twelve (12) feet shall be required on each side. (Ord. 120, 1972)

**17.24.050 Minimum Rear Yard.** All buildings and structures shall have a rear yard of not less than fifteen (15) feet which may include one-half the width of an alley. (Ord. 120, 1972)

- A. One space for each two employees. (Ord. 120, 1972)
- B. One space for each 1,000 square feet of floor area. (Ord. 120, 1972)

**17.24.070 Maximum Building Height.**

All buildings and structures.....40 feet (Ord. 120, 1972)

**Chapter 17.28**  
**A-AGRICULTURAL DISTRICT**

**Sections:**

- 17.28.010 Uses Permitted.
- 17.28.020 Minimum Lot Area.
- 17.28.030 Minimum Lot Width.
- 17.28.040 Minimum Front Yard.
- 17.28.050 Minimum Side Yard.
- 17.28.060 Minimum Rear Yard.
- 17.28.070 Minimum Floor Area.

**17.20.010 Uses Permitted.**

- A. Farm dwelling or building appurtenant to agricultural use. (Ord. 120, 1972)
- B. Crop production. (Ord. 120, 1972)
- C. Grazing. (Ord. 120, 1972)
- D. Greenhouse. (Ord. 120, 1972)
- E. Nursery. (Ord. 120, 1972)
- F. Sod (turf) farm. (Ord. 120, 1972)
- G. Storage: farm products, private farm equipment. (Ord. 120, 1972)
- H. Truck farming. (Ord. 120, 1972)
- I. Single family dwelling on minimum lot size of five (5) acres. (Ord. 120, 1972)



J. Identification signs as permitted in R-1 District. (Ord. 120, 1972)

K. Parks and open space. (Ord. 120, 1972)

**17.28.020 Minimum Lot Area**.....5 acres (Ord. 120, 1972)

**17.28.030 Minimum Lot Width**.....175 feet (Ord. 120, 1972)

**17.28.040 Minimum Front Yard**.....50 feet (Ord. 120, 1972)

**17.28.050 Minimum Side Yard**. On corner lots, the side yard shall be fifty (50) feet for the principal builder.  
(Ord. 120, 1972)

**17.28.060 Minimum Rear Yard**.

Principal buildings.....20 feet (Ord. 120, 1972)

Accessory buildings.....10 feet (Ord. 120, 1972)

**17.28.070 Minimum Floor Area**.

Per dwelling.....1,000 square feet (Ord. 120, 1972)

**Chapter 17.32**  
**SUPPLEMENTARY REGULATIONS**

**Sections:**

- 17.32.010 Uses Permitted.
- 17.32.020 Minimum Lot Area.
- 17.32.030 Minimum Lot Width.
- 17.32.040 Minimum Front Yard.
- 17.32.050 Minimum Floor Area.
- 17.32.060 Minimum Off Street Parking.
- 17.32.070 Exclusions.

Regulations specified in other sections of this Title shall be subject to the following interpretations and exceptions. (Ord. 120, 1972)

**17.32.010 Uses Permitted.**

A. Illumination of Uses. Any light used to illuminate signs, parking areas, or for any other purposes shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists. (Ord. 120, 1972)

B. Signs. In addition to other requirements of this ordinance, all signs for identification or outdoor advertising purposes shall comply with the following conditions: (Ord. 120, 1972)

1. No sign shall be located so that safety of a moving vehicle will be impaired by distracting the vision of the driver of the vehicle. (Ord. 120, 1972)
2. No sign shall project into a public right-of-way. (Ord, 120, 1972)
3. All signs exceeding one square foot of surface for each three (3) feet of lot frontage shall be subject to approval of the Town Board according to the provisions of Section 17.40 "Building Review" of the ordinance. (Ord. 120, 1972)
4. No sign shall be animated or flashing. (Ord. 120, 1972)
5. No sign shall be painted directly on any exterior wall of any building or structure. (Ord. 120, 1972)
6. No sign shall project above the roof line of any structure or building on the same lot on which the sign is placed, nor shall any sign exceed the building height limit of the zone district in which it is placed. (Ord. 120, 1972)

**17.32.020 Minimum Lot Area.**

and

**17.32.030 Minimum Lot Width.**

A. Small Lots. Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded at the time of passage of this ordinance and has less area and/or less width than required in other sections of this Title, such a lot may be occupied according to the permitted uses provided for the district in which such lot is located, except in the case of motels, hotels, lodges, and resorts which shall not be subject to the preceding exception. (Ord. 120, 1972)

B. Reduction. No part of an area or width required for a lot for the purpose of complying with the provisions of this ordinance shall be included as an area or width required for another building. (Ord. 120, 1972)

**17.32.040 Minimum Front Yard.**

A. Developed Areas. Where lots comprising fifty percent (50%) or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of this ordinance, the average front yard of such buildings shall be the minimum front yard required for all new construction on such block. (Ord. 120, 1972)

**17.32.050 Minimum Floor Area.** In measuring the minimum floor area as required, all measurements shall be along outside walls of the living area, not including garage or carport area. (Ord. 120, 1972)

**17.32.060 Minimum Off Street Parking.** Each space shall be not less than ten (10) feet wide, twenty (20) feet long and seven (7) feet high, shall have vehicular access to a street or alley, and shall be located on the same lot as the principal use which it serves in the "R1" and "R2" Districts and within 200 feet of the principal use in the "C" and "I" Districts. (Ord. 120, 1972)

**17.32.070 Exclusions.**

A. No junk or waste shall be stored outdoors. (Ord. 120, 1972)

B. No junk material, wastes or trash shall be removed from one parcel of property and disposed of by depositing upon another parcel of property or in the streets or public rights-of-way except by being delivered to an authorized dump site. (Ord. 120, 1972)

C. On corner lots, no planting of shrubs, trees or flowers, or the erection of any solid fence or structure over thirty (30) inches above level of roadway or street which obstructs the view of traffic shall be permitted within the triangle measured from the point of intersection of the lot lines abutting the streets a distance of 155 feet along each such lot line. (Ord. 120, 1972)

D. It shall be unlawful to sell any products at retail or wholesale from any temporary stand, temporary structure, motor vehicle or trailer except agricultural products grown on the premises upon which the stand is located. (Ord. 120, 1972)

**Chapter 17.36**  
**NON-CONFORMING USES**

**Sections:**

|           |                          |
|-----------|--------------------------|
| 17.36.010 | Repairs and Maintenance. |
| 17.36.020 | Restoration.             |
| 17.36.030 | Abandonment.             |
| 17.36.040 | Change in Use.           |
| 17.36.050 | Extensions.              |
| 17.36.060 | Cessation.               |
| 17.36.070 | Moving.                  |

**17.36.010 Repairs and Maintenance.** Ordinary repairs and maintenance of a non-conforming building shall be permitted. (Ord. 120, 1972)

**17.36.020 Restoration.** A non-conforming building which has been damaged by fire or other causes may be restored to

its original condition provided such work is commenced within one (1) year of such calamity. (Ord. 120, 1972)

**17.36.030 Abandonment.**

A. Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this ordinance. (Ord. 120, 1972; Ord. 212, 1998)

B. Whenever a non-conforming use arising from or related to the use of a mobile home which does not satisfy the definition of "dwelling, single family" and where such non-conforming use has been discontinued, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Ordinance. (Ord 120, 1972; Ord. 212, 1998)

**17.36.040 Change in Use.** A non-conforming use shall not be changed to a use of lower or less restrictive classification. Such non-conforming use may, however, be changed to another use of the same or higher classification. (Ord. 120, 1972)

**17.36.050 Extensions.** A non-conforming use shall not be extended. (Ord. 120, 1972)

**17.36.060 Cessation.** All industrial ordinance in any residential or commercial district the effective date of this ordinance if such uses are not contained within an enclosed and covered building and/or if such uses are detrimental and injurious to the adjoining lands because such uses create unusual and obnoxious odors, smoke, sounds, dust, vibration, or traffic problems. (Ord. 120, 1972)

**17.36.070 Moving.** No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to another location unless every portion of such building or structure is moved and the use thereof is made to conform to all regulations of the district into which it is moved. (Ord. 120, 1972)

**Chapter 17.40**  
**BUILDING REVIEW**

**Sections:**

- 17.40.010 Purpose.
- 17.40.020 Method of Review.

**17.40.010 Purpose.** With the purpose of conserving the value of buildings and encouraging the most appropriate

use of land throughout the Town of Nunn, the Town Board may review all building and sign permits where the character of the proposed construction might be so at variance with the established exterior architectural appeal and functional plan of the structures already located in the neighborhood as to depreciate the value of such established buildings. The Town Board must restrict its review in such case to the effect of the proposed construction on the health, safety, morals, and general welfare of the Town of Nunn, keeping particularly in mind the unique characteristics of existing structures which have established special land values and prosperity for the entire community. (Ord. 120, 1972)

**17.40.020 Method of Review.** After receiving exterior elevations of the proposed structure, viewing the site on which such construction is proposed to be placed and notifying the applicant of the time and place of a hearing on such subject, the Town Board may either approve, disapprove, or approve subject to certain conditions, any application which may require such building review. For each case, the Town Board may obtain testimony from local architects or other qualified personnel on the possible effects of the proposed construction on established land values. (Ord. 120, 1972)

## **Chapter 17.44**

### **BOARD OF ADJUSTMENT, VARIANCES**

#### **Sections:**

- 17.44.010 Powers and Duties.
- 17.44.020 Procedures.

**17.44.010 Powers and Duties.** The Board of Adjustment shall have the following powers and duties, all of which shall be exercised subject to the laws of the State of Colorado and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this Title and in accordance with the public interest and the most appropriate development of the area: (Ord. 120, 1972)

A. To hear and decide appeals from, and review any order, requirements, decision or determination made by an administrative official or body charged with enforcement of the regulations established by this Title. (Ord. 120, 1972)

B. To hear and decide requests for special exceptions as referred to such Board in other sections of this Title. (Ord. 120, 1972)

C. To authorize, upon appeal in specific cases, variances from the terms of this ordinance, where, by reason of exceptional shape, size, or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to owners of said property from a strict enforcement of this Title. (Ord. 120, 1972)

**17.44.020 Procedures.** The Board of Adjustment shall hold a public hearing on all applications and appeals with the following special conditions required: (Ord. 120, 1972)

A. For application for variances relating to the use requirements of this ordinance, a written notice of said hearing shall be sent by first-class mail at least five (5) days, or delivered personally at least three (3) days prior to the hearing date,

to owners of property within three hundred (300) feet of the property in question. (Ord. 120, 1972)

B. For applications for variance not relating to the use requirement of this ordinance, a written notice of said hearing shall be sent by first-class mail at least five (5) days, or delivered personally at least three (3) days, prior to the hearing date to owners of property adjacent to the property in question. (Ord. 120, 1972)

C. For application for variances relating to the use requirements of this ordinance, a fee of ten dollars (\$10.00) shall be charged to cover the cost of advertising and processing. For all other applications, a fee of five dollars (\$5.00) shall be charged to cover such costs. (Ord. 120, 1972)

D. Unless otherwise stated in the Board of Adjustment minutes, all variance permits shall be valid for a period of time not to exceed six (6) months from the time such variance is granted. (Ord. 120, 1972)

### **Chapter 17.48** **AMENDMENTS**

#### **Sections:**

17.48.010 General Procedure.

17.48.020 Special Procedure.

**17.48.010 General Procedure.** Amendments to this ordinance shall be in accordance with the laws of the State of Colorado which require the following action before adoption of any such amendment: (Ord. 120, 1972, Code 2002)

A. Study and recommendation of the proposed amendment by the Town Planning Commission. (Ord. 120, 1972, Code, 2002)

B. Completion of a public hearing before the Town Board after at least fifteen (15) days' legal notice of the time and place of such hearing shall have been given. (Ord 120, 1972; Code, 2002)

**17.48.020 Special Procedure.** Before submitting a report and recommendation on any proposed amendment to this ordinance, as required in Section 17.48.010 above, the Town Planning Commission shall hold a public hearing on the proposed amendment with the following special conditions required: (Ord. 120, 1972, Code, 2002)

A. A legal notice of said hearing shall be at least fifteen (15) days prior to the hearing date, which notice may be concurrent with that required to be given by the Town Board of its hearing. (Ord. 120, 1972, Code, 2002)

B. For proposed amendments to the "Zoning District Map," a written notice of said hearing shall be sent by first-class mail at least fifteen (15) days prior to the hearing date to property owners within the area in question, and within three hundred (300) feet of the area in question. (Ord. 120, 1972, Code, 2002)

C. For proposed amendments to the "Zoning District Map," a fee of fifteen (\$15.00) shall be charged to cover the cost

of advertising and processing. For all other proposed amendments, a fee of five dollars (\$5.00) shall be charged to cover such costs. (Ord.120, 1972; Code, 2002)

## **Chapter 17.50** **ENFORCEMENT**

### **Sections:**

17.50.010 Building Permits.

### **17.50.010 Building Permits.**

A. After such time as the Town Board of the Town of Nunn, Colorado, has adopted by ordinance a Building Code, it shall be unlawful to erect, construct reconstruct, alter or change the use of any building or other structure within the Town limits without obtaining a building permit from such Planning Commission, and such Planning Commission shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to the zoning regulations then in effect, and unless plans to be kept as a permanent public record are submitted to the Planning Commission. (Code, 2002)

B. For all building permits required, a fee established by schedule and proportioned to the floor area constructed shall be charged by the Town of Nunn, except that the following construction shall be exempt from paying a building permit fee: (Code, 2002)

1. All remodeling which does not extend the floor area of a building; (Code, 2002)
2. All construction with a total valuation of less than fifty dollars (\$50.00); (Code, 2002)

3. All construction with a total valuation between fifty dollars (\$50.00) and five hundred dollars (\$500.00) requires a permit but no fee. (Code, 2002)

C. Interpretation and Conflict with Other Laws. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standard shall govern. (Code, 2002)

## **Chapter 17.52** **DEFINITIONS**

### **Sections:**

|           |                             |
|-----------|-----------------------------|
| 17.52.010 | Accessory Building.         |
| 17.52.020 | Accessory Use.              |
| 17.52.030 | Alley.                      |
| 17.52.040 | Boarding and Rooming House. |
| 17.52.050 | Building.                   |
| 17.52.060 | Building Height.            |
| 17.52.070 | Dwelling.                   |
| 17.52.080 | Dwelling, Single Family.    |
| 17.52.090 | Dwelling, Two Family.       |
| 17.52.100 | Multiple Family.            |
| 17.52.110 | Dwelling Unit.              |
| 17.52.120 | Family.                     |
| 17.52.130 | Floor Area.                 |
| 17.52.140 | Floor Area Ratio.           |
| 17.52.150 | Home Occupation.            |
| 17.52.160 | Junk.                       |
| 17.52.170 | Lot.                        |
| 17.52.180 | Lot Area.                   |
| 17.52.190 | Lot Line, Front.            |
| 17.52.200 | Lot Line, Rear.             |
| 17.52.210 | Lot Line, Side.             |
| 17.52.220 | Mobile Home.                |
| 17.52.230 | Motel or Hotel.             |
| 17.52.240 | Non-Conforming Building.    |
| 17.52.250 | Non-Conforming Use.         |
| 17.52.260 | Occupied.                   |
| 17.52.270 | Open Space.                 |
| 17.52.280 | Person.                     |
| 17.52.290 | Planned Unit Development.   |
| 17.52.300 | Roof Line.                  |
| 17.52.310 | Room.                       |
| 17.52.320 | Sign.                       |
| 17.52.330 | Street.                     |
| 17.52.340 | Structure.                  |
| 17.52.350 | Use.                        |
| 17.52.360 | Width of Lot.               |
| 17.52.370 | Yard.                       |
| 17.52.380 | Yard, Front.                |
| 17.52.390 | Yard, Rear.                 |
| 17.52.400 | Yard, Side.                 |

For the purpose of this Title, certain words or phrases are defined as follows: (Ord. 120, 1972)

When not consistent with the content, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the masculine includes



the feminine. The word "shall" is mandatory, while the word "may" is permissive. (Ord. 120, 1972)

**17.52.010 Accessory Building.** A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. (Ord. 120, 1972)

**17.52.020 Accessory Use.** A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises. (Ord. 120, 1972)

**17.52.030 Alley.** A public way permanently reserved as a secondary means of access to abutting property. (Ord. 120, 1972)

**17.52.040 Boarding and Rooming House.** A building or portion thereof which is principally used to accommodate, for compensation, five (5) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The "compensation" shall include compensation in money, services, or other things of value. (Ord. 120, 1972)

**17.52.050 Building.** Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind and not including advertising sign boards or fences. (Ord. 120, 1972)

**17.52.060 Building Height.** The vertical distance measured from the established curb level to the highest point of the underside of the ceiling beams for a flat roof, to the deck line for a mansard roof, and to the mean level of the underside of the rafters between the eaves and the ridge for a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections, other than signs, shall be included in calculating the height. (Ord. 120, 1972)

**17.52.070 Dwelling.** A building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, resort, cabins, clubs, or hospitals. In addition, all dwellings shall be constructed as permanent buildings -- not temporary structures such as tents, railroad cars, trailers, street cars, metal prefabricated sections, or similar units. (Ord. 120, 1972)

**17.52.080 Dwelling, Single Family.** A detached building designed exclusively for occupancy by one family. As defined herein, a single family residence shall not include a mobile home unless such mobile home meets each of the following criteria: (1) is attached to a permanent foundation and perimeter enclosure of concrete or masonry materials; (2) has had its wheels removed; (3) has a minimum floor area of 864 square feet; (4) has a minimum width of twenty-four feet and a minimum length of thirty-six feet; (5) is compatible with the surrounding area and is in harmony with the character of the neighborhood. (Ord. 120, 1972; Ord. 212, 1999; Ord. 215, 1999)

**17.52.090 Dwelling, Two-Family.** A detached building designed exclusively for occupancy by two families living independently of each other. (Ord. 120, 1972)

**17.52.100 Multiple Family.** A building, or portions thereof, designed for or occupied by three or more families living independently of each other. (Ord 120, 1972)

**17.52.110 Dwelling Unit.** One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen. (Ord. 120, 1972)

**17.52.120 Family.** An individual or two or more persons related by blood or marriage; or a group of not to exceed five

(5) persons (excluding servants) living together as a single housekeeping unit in a dwelling unit. (Ord. 120, 1972)

**17.52.130 Floor Area.** For the purpose of determining the floor area ratio, conversions of existing structures and maximum size of business establishments, the sum of the gross horizontal areas of several floors measured in square feet, including the basement floor, but not including the cellar floor of the building, measured from the exterior faces or the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall also include elevator shafts and stairwells as each floor, floor space used for mechanical equipment, except equipment open or enclosed located on the roof, penthouse, attic space, or having headroom of seven feet, ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses, provided that any space devoted to off street parking or leading shall not be included in floor area. (Ord. 120, 1972)

**17.52.140 Floor Area Ratio.** The numerical value obtained through dividing the gross floor area of a building or buildings by the net lot area on which such building or buildings are located. (Ord. 120, 1972)

**17.52.150 Home Occupation.** Any use conducted principally within a dwelling and carried on by inhabitants which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (Ord. 120, 1972)

**17.52.160 Junk.** Any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicle or trailer which is abandoned, demolished, dismantled, or that is so worn or deteriorated or in such condition to be unusable in its existing state, salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building material, motor vehicle and machinery parts, and used tires. (Ord. 120, 1972)

**17.52.170 Lot.** A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the Weld County Courthouse or, when not so platted, in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under separate ownership. (Ord. 120, 1972)

**17.52.180 Lot Area.** The total horizontal area within the lot lines of a lot. (Ord. 120, 1972)

**17.52.190 Lot Line, Front.** The property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line. (Ord. 120, 1972)

**17.52.200 Lot Line, Rear.** The line opposite the front lot line. (Ord. 120, 1972)

**17.52.210 Lot Line, Side.** Any lot lines other than front lot lines or rear lot lines. (Ord. 120, 1972)

**17.52.220 Mobile Home.** A structure which is transportable; when installed, exceeds either eight (8) feet in width or thirty-two (32) feet in length; and built on a chassis and is designed, when connected to the required utilities, to be used as a year-round sleeping and living quarters, with or without a permanent foundation. (Ord. 120, 1972; Ord. 212, 1999)

**17.52.230 Motel or Hotel.** A building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals and with such building having six (6) or more guest rooms. (Ord. 120, 1972)

**17.52.240 Non-Conforming Building.** A building or structure or portion thereof conflicting with the provisions of this ordinance applicable to the zone in which it is situated. (Ord. 120, 1972)

**17.52.250 Non-Conforming Use.** The use of a structure or premises conflicting with the provisions of this ordinance. (Ord. 120, 1972)

**17.52.260 Occupied.** The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied. (Ord. 120, 1972)

**17.52.270 Open Space.** Open space on a building site, exclusive of a space devoted to vehicular streets, drives, and parking areas and including pedestrian ways, space for active and passive recreation and landscaping. (Ord. 120, 1972)

**17.52.280 Person.** The word "person" shall also include association, firm, co-partnership, or corporation. (Ord. 120, 1972)

**17.52.290 Planned Unit Development.** A unified development in a single ownership or control, which is subdivided and developed according to a comprehensive plan and where the specific requirements of a given district may be modified. (Ord. 120, 1972)

**17.52.300 Roof Line.** The highest point on any building where an exterior wall enclosed usable floor area including floor area provided for housing mechanical equipment. (Ord. 120, 1972)

**17.52.310 Room.** An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways, and service porches. (Ord. 120, 1972)

**17.52.320 Sign.** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination, or projected images. (Ord. 120, 1972)

**Animated Sign:** Any sign or part of a sign which changes physical position by any movement or rotation. (Ord. 120, 1972)

**Flashing Sign:** Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effect by any means whatsoever. (Ord. 120, 1972)

**17.52.330 Street.** A public thoroughfare which affords the principal means of access to abutting property. (Ord. 120, 1972)

**17.52.340 Structure.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities. (Ord. 120, 1972)

**17.52.350 Use.** The purpose for which land or building is designed, arranged, or intended or for which either is or may be occupied or maintained. (Ord. 120, 1972)

**17.52.360 Width of Lot.** The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest. (Ord. 120, 1972)

**17.52.370 Yard.** An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, except

as otherwise provided in this ordinance. (Ord. 120, 1972)

**17.52.380 Yard, Front.** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building. (Ord. 120, 1972)

**17.52.390 Yard, Rear.** A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building. (Ord. 120, 1972)

**17.52.400 Yard, Side.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto. (Ord. 120, 1972)

## **Chapter 17.58** **VIOLATIONS AND PENALTIES**

### **Sections:**

- 17.58.010 Fines.
- 17.58.020 Injunction, Abatement.
- 17.58.030 Remedies.

**17.58.010 Fines.** Any person or corporation, whether as principal agent, employee, or otherwise, who violates any of the provisions of this ordinance shall be fined not exceeding One Hundred Dollars (\$100.00) for each offense, such fine to inure the Town of Nunn. Each day of the existence of any violation shall be deemed a separate offense. (Code, 2002)

**17.58.020 Injunction, Abatement.** The erection, construction, enlargement, conversion, moving or maintenance of any building which is continued, operated or maintained contrary to any provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The Town Attorney shall immediately, upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance. (Code, 2002)

**17.58.030 Remedies.** The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. (Code, 2002)

## **Chapter 17.60** **OFF STREET PARKING AS APPURTENANT USE ONLY**

### **Sections:**

- 17.60.010 Off Street Parking as Appurtenant Use Only.  
 17.60.020 Maximum Off Street Parking.

**17.60.010 Off Street Parking as Appurtenant Use Only.** Off street parking is permitted in the R-1, R-2, and MH zones only as an appurtenant use to an existing dwelling. Such is not a permitted use in such zones without the existence of a principal dwelling meeting all the requirements of a dwelling for the relevant zone. (Ord. 178, 1996)

**17.60.020 Maximum Off Street Parking.** The off street parking for motor vehicles, trailer, or any other vehicles for which registration is required shall not exceed the following: (Code, 2002 )

- A. R-1 - Single Family Residential District: Five (5) vehicles per single family dwelling. (Code, 2002)
- B. R-2 - Multiple Family Residential District: Three (3) vehicles per dwelling unit. (Code, 2002)
- C. MH - Mobile Home Park District: Three (3) vehicles per mobile home. (Code, 2002)

## **Chapter 17.62** **REVIEW OF PERMITS FOR FLOOD HAZARD**

### **Sections:**

- 17.62.010 Review of Permits.  
 17.62.020 Proposals are Consistent.  
 17.62.030 Design of Systems.

**17.62.010 Review of Permits.** That the Town Clerk shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure; (2) use construction materials and utility equipment that are resistant to flood damage; and (3) use construction methods and practices that will minimize flood damage. (Ord. 130, 1975)

**17.62.020 Proposals are Consistent.** That the Planning Commission of the Town of Nunn, Colorado, shall review subdivision proposals and other proposed new developments to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards. (Ord. 130, 1975)

**17.62.030 Design of Systems.** The Board of Trustees of the Town of Nunn, Colorado, shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water and require on-site waste disposal systems to be located so

as to avoid impairment of them or contamination from them during flooding. (Ord. 130, 1975)

## **Chapter 17.64**

### **DETERMINING FLOOD HAZARDS**

#### **Sections:**

|           |  |
|-----------|--|
| 17.64.010 | Findings of Fact.                              |
| 17.64.020 | Statement of Purpose.                          |
| 17.64.030 | Methods of Reducing Flood Losses.              |
| 17.64.040 | Definitions.                                   |
| 17.64.050 | General Provisions.                            |
| 17.64.060 | Penalties for Non-Compliance.                  |
| 17.64.070 | Abrogation and Greater Restrictions.           |
| 17.64.080 | Interpretation.                                |
| 17.64.090 | Warning and Disclaimer of Liability.           |
| 17.64.100 | Establishment of Development Permit.           |
| 17.64.110 | Designation of the Town Clerk.                 |
| 17.64.120 | Duties and Responsibilities of the Town Clerk. |
| 17.64.130 | Use of Other Base Flood Data.                  |
| 17.64.140 | Information to be Obtained and Maintained.     |
| 17.64.150 | Alteration of Watercourses.                    |
| 17.64.160 | Interpretation of FIRM Boundaries.             |
| 17.64.170 | Appeal Board.                                  |
| 17.64.180 | Conditions for Variance.                       |
| 17.64.190 | Provisions for Flood Hazard Reduction.         |

#### **17.64.010 Findings of Fact.**

A. Whereas, the flood hazard areas of the Town of Nunn, Colorado, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of business and Town services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. (Ord. 142, 1979)

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 142, 1979)

**17.64.020 Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed: (Ord. 142, 1979)

- A. To protect human life and health; (Ord. 142, 1979)
- B. To minimize expenditure of public money for costly flood control projects; (Ord. 142, 1979)
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (Ord. 142, 1979)
- D. To minimize prolonged business interruptions; (Ord. 142, 1979)
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard; (Ord. 142, 1979)
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas; (Ord. 142, 1979)
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and (Ord.142, 1979)
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 142, 1979)

**17.64.030 Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Ordinance includes methods and provisions for: (Ord. 142, 1979)

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; (Ord. 142, 1979)
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (Ord. 142, 1979)
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters; (Ord. 142, 1979)
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and (Ord. 142, 1979)
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 142, 1979)

**17.64.040 Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

(Note: Specific definitions of this Ordinance are found in the Book of Ordinances. Pages 353-356.) (Ord. 124, 1979)

**17.64.050 General Provisions.**

- A. Lands to which this Ordinance applies: (Ord. 142, 1979)

1. This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Town of Nunn, Colorado. (Ord. 142, 1979)

B. Basis for establishing the areas of special flood hazard: (Ord. 142, 1979)

1. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study For The Town of Nunn, Colorado", dated August, 1978, with accompanying Flood Insurance Rate Maps and Flood boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file in the office of the Clerk of the Town of Nunn, Colorado. (Ord. 142, 1979)

**17.64.060 Penalties for Non-Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Nunn from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 142, 1979; Code, 2002)

**17.64.070 Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 142, 1979)

**17.64.080 Interpretation.** In the interpretation and application of this Chapter, all provisions shall be: (Code, 2002)

- A. Considered as minimum requirements; (Code, 2002)
- B. Liberally construed in favor of the governing body; (Code, 2002)
- C. Deemed neither to limit nor repeal any other powers granted under State statutes. (Code, 2002)

**17.64.090 Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Nunn, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. 142, 1979)

**17.64.100 Establishment of Development Permit.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.64.050. Application for a development permit shall be made on forms furnished by the Town Clerk and may include, but not be limited to: plans



in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required: (Ord. 142, 1979)

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures; (Ord. 142, 1979)
- B. Elevation in relation to mean sea level to which any structure has been flood proofed. (Ord. 142, 1979)
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 17.64.250; and (Ord. 142, 1979)
- D. The description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 142, 1979)

**17.64.110 Designation of the Town Clerk.** The Town Clerk is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 142, 1979)

**17.64.120 Duties and Responsibilities of the Town Clerk.** Duties and responsibilities of the Town Clerk shall include, but not be limited to: (Code, 2002)

- A. Review all development permits to determine that the permit requirements of this Chapter have been satisfied. (Code, 2002)
- B. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required. (Code, 2002)
- C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.64.280 are met. (Code, 2002)

**17.64.130 Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 17.64.050, Basis For Establishing the Areas of Special Flood Hazard, the Town Clerk shall obtain, review, and reasonably utilize any base flood evaluation data available from a Federal, State, or other source in order to administer Section 17.64.190. (Code, 2002)

**17.64.140 Information to Be Obtained and Maintained.**

- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement. (Code, 2002)
- B. For all new substantially improved floodproofed structures: (1) verify and record the actual elevation (in relation to sea level); and (2) maintain the floodproofing certifications required in Section 4.1(3). (Code, 2002)
- C. Maintain for public inspection all records pertaining to the provisions of this Ordinance. (Code, 2002)

**17.64.150 Alteration of Watercourses.**

- A. Notify adjacent communities and the (State coordinating agency) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration. (Code, 2002)
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (Code, 2002)

**17.64.160 Interpretation of FIRM Boundaries.** Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.64.180. (Code, 2002)

**17.64.170 Appeal Board.**

- A. The Board of Adjustment, as established by the Town of Nunn, shall hear and decide appeals and request for variances from the requirements of this Ordinance. (Code, 2002)
- B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town Clerk in the enforcement or administration of this Ordinance. (Code, 2002)
- C. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the District Court of Weld County, Colorado. (Code, 2002)
- D. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and (Note: evaluations in Book of Ordinances Pages 359-360). (Code, 2002)

**17.64.180 Conditions for Variance.**

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing item E. in Section 17.64.180 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. (Ord. 142, 1979)
- B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section. (Ord. 142, 1979)
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (Ord. 142, 1979)
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. (Ord. 142, 1979)
- E. Variances shall only be issued upon: (Ord. 142, 1979)

1. A showing of good and sufficient cause; (Ord. 142, 1979)

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and (Ord. 142, 1979)

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 17.16.180, or conflict with existing local laws or ordinances. (Ord. 142, 1979)

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 142, 1979)

**17.64.190 Provisions for Flood Hazard Reduction.** General Standards: In all areas of special flood hazards, the following standards are required: (Ord. 142, 1979)

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. (Ord. 142, 1979)

2. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that: (Ord. 142, 1979)

(a) Over-the-top ties be provided at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side; (Ord. 142, 1979)

(b) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile home less than fifty (50) long requiring four additional ties per side: (Ord. 142, 1979)

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and (Ord. 142, 1979)

(d) Any addition to the mobile home be similarly anchored. (Ord. 142, 1979)

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. (Ord. 142, 1979)

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (Ord. 142, 1979)

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (Ord. 142, 1979)

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and (Ord. 142, 1979)

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 142, 1979)

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage. (Ord. 142, 1979)

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. (Ord. 142, 1979)

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and (Ord. 142, 1979)

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less). (Ord. 142, 1979)

E. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.64.050, Basis For Establishing The Areas of Special Flood Hazard or in Section 17.64.130, Use of Other Base Flood Data, the following standards are required: (Ord. 142, 1979)

F. Residential Construction. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above flood elevation. (Ord. 142, 1979)

G. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall: (Ord. 142, 1979)

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; (Ord. 142, 1979)

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and (Ord. 142, 1979)

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 17.64.140.80 (Ord. 142, 1979)

H. Mobile Homes.

1. Mobile homes shall be anchored in accordance with Section 17.64.200. (Ord. 142, 1979)

2. For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions where the repair, reconstructions, or improvement of the streets, utilities, and pads equals or exceeds fifty percent (50%) of value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that: (Ord. 142, 1979)

(a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor level of the mobile home will be at or above the base flood level; (Ord. 142, 1979)

(b) Adequate surface drainage and access for a hauler are provided and; (Ord. 142, 1979)

(c) In the instance of elevation on pilings, that: (Ord. 142, 1979)

-- lots are large enough to permit steps, (Ord. 142, 1979)

-- piling foundations are placed in stable soil no more than ten feet apart, (Ord. 142, 1979)

-- reinforcement is provided for pilings more than six (6) feet above the ground level. (Ord.

142, 1979)

3. No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision. (Ord. 142, 1979)

I. Floodways. Located within areas of special flood hazard established in Section 3.2 are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. the following provisions apply: (Code, 2002)

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. (Code, 2002)

2. If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0 Provisions For Flood Hazard Reduction. (Code, 2002)

3. Prohibit the placement of any mobile homes, except in an existing mobile home park, or existing mobile home subdivision. (Code, 2002)