

**FAIRPLAY
MUNICIPAL
CODE**

2002

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

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



municode

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OFFICIALS
of the
TOWN OF FAIRPLAY

Mayor
Fred Boyce

Mayor Pro Tem
Frank Just

Board of Trustees
John Deagan
LaNita French
Gabby Lane

Town Attorney
Lee Phillips

Town Clerk/Administrator
Tina Darrah

SUPPLEMENTATION

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

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

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

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

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

AMENDMENTS

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

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

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

(Set out full section number, title and contents)

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

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

(Set out section title and contents)

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

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

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

or as follows:

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

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

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

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

MUNICIPAL CODE CORPORATION

PREFACE

FAIRPLAY MUNICIPAL CODE

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

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

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

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

The Disposition of Ordinances Table identifies the source for the contents of the code. This table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether an ordinance, or a portion thereof, is contained within the code, the Disposition of Ordinances Table will provide that information. The Table of Up-to-Date Pages lists all of the current pages through the most recent supplementation.

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

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

MUNICIPAL CODE CORPORATION

STATE OF COLORADO TOWN OF FAIRPLAY, COLORADO

ORDINANCE NO. 11, 2002

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

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

Section 1. The Code entitled The Fairplay Municipal Code published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Fairplay Municipal Code, to the extent of such inconsistency, are hereby repealed.

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

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

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- (1) The Model Traffic Code for Colorado Municipalities, 1995 edition, published by the State Department of Highways, as adopted and amended in Section 8-1-10 et seq.;
- (2) The National Electrical Code, 1978 edition, published by the National Fire Protection Association, as adopted in Section 18-2-10;
- (3) The Uniform Mechanical Code, 1976 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-3-10 et seq.;
- (4) The Uniform Plumbing Code, 1976 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 18-4-10 et seq.; and
- (5) The Uniform Code for the Abatement of Dangerous Buildings, 1976 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-6-10 et seq.

Section 5. The following codes are hereby adopted by reference and incorporated in the Fairplay Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

- (1) The Uniform Building Code, 1994 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-1-10 et seq.; and
- (2) The Uniform Fire Code, 1997 edition, published by the International Fire Code Institute, as adopted and amended in Section 18-5-10 et seq.

Section 6. The penalties provided by the Municipal Code of the Town of Fairplay are hereby adopted as follows:

- (1) Sec. 1-4-20. General penalty for violation. (Article IV, General Penalty)

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

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

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently found liable, convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

- (4) Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code. (Article IV, General Penalty)

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

- (5) Sec. 2-5-80. Contempt power. (Article V, Municipal Court)

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

- (6) Sec. 2-5-90. Penalty surcharge. (Article V, Municipal Court)

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There is hereby created a Police Training and Equipment Surcharge in the amount of ten dollars (\$10.00), to be assessed upon all persons found liable, convicted of or pleading guilty or no contest to, a violation of any ordinance of the Town, which surcharge shall not be suspended or waived by the Municipal Court.

(7) Sec. 6-2-50. Suspension or revocation; fine. (Article II, Alcoholic Beverages)

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(8) Sec. 7-6-30. Neglect of animals. (Article IV, Animals)

(c) In the case of any person who incurs a second or subsequent conviction under this Section for any offense occurring within two (2) years prior to the second offense, a sentence to pay a fine of three hundred dollars (\$300.00) shall be mandatory and shall not be subject to suspension, in addition to such sentence to confinement as the Court may impose.

(9) Sec. 7-6-210. Penalties. (Article IV, Animals)

Any person who violates any section of this Article shall be subject to the penalties as provided in the general penalty provisions of this Code, subject to the mandatory minimum fines hereafter set forth which the Municipal Court shall not have discretion to suspend or reduce, to wit:

- (1) Any person found guilty of a violation of a Class I offense shall be fined not less than fifty dollars (\$50.00). Any person found guilty of a Class I offense for a violation that occurred within one (1) year of a previous violation of a Class I offense shall be fined not less than one hundred dollars (\$100.00).

Class I offenses:

Sec. 7-6-20	Cruelty to animals
Sec. 7-6-30	Neglect of animals
Sec. 7-6-40	Abandonment of animals
Sec. 7-6-60	Poisoning domesticated animals
Sec. 7-6-70	Fighting animals
Sec. 7-6-170(c)	Removing dog from quarantine

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- (2) Any person found guilty of a violation of a Class II offense shall be fined not less than twenty-five dollars (\$25.00). Any person found guilty of a Class II offense for a violation that occurred within one (1) year of a previous violation of a Class I or II offense shall be fined not less than fifty dollars (\$50.00). Any person similarly found guilty of a third or greater number of violations within one (1) year shall be fined not less than one hundred dollars (\$100.00).

Class II offenses:

Sec. 7-6-100	Vicious animals
Sec. 7-6-110	Disturbance; public nuisance
Sec. 7-6-120	Animals at large
Sec. 7-6-150	Animals prohibited
Sec. 7-6-180	Removal from animal shelter
Sec. 7-6-190	Song birds; insectivorous birds

- (3) Any person found guilty of a violation of a Class III offense shall be fined not less than fifteen dollars (\$15.00). Any person found guilty of a Class III offense for a violation that occurred within one (1) year of a previous violation of this Article shall be fined not less than thirty dollars (\$30.00). Any person similarly found guilty of a third violation within one (1) year shall be fined not less than sixty dollars (\$60.00), and if found guilty of a fourth or more violations within one (1) year, not less than one hundred dollars (\$100.00) for each such violation.

Class III offenses:

Sec. 7-6-130	Confinement during estrus
Sec. 7-6-140	Number of dogs/cats permitted

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Sec. 7-6-160	Licensing of dogs
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- (10) Sec. 8-1-50. Penalties; penalty assessments; automatic points assessment reduction; parental notification; driver's license. (Article I, Model Traffic Code)
- (a) It is unlawful for any person to violate any of the provisions of the Model Traffic Code for Colorado Municipalities ("MTC") as adopted and amended by the Town, or any other traffic or vehicle ordinances adopted by the Town. The penalties set forth below shall apply to such violations. Fines, court costs and surcharges shall be paid to the Clerk of the Municipal Court.
- (1) In criminal traffic offense actions, the penalty shall be a fine not to exceed one thousand dollars (\$1,000.00), or a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment.
- (2) In civil traffic infraction matters, the penalty shall be a fine not to exceed one thousand dollars (\$1,000.00).
- (11) Sec. 8-3-100. Penalty. (Article III, Snowmobile Regulations)
- Violators will be punished by a maximum fine of one hundred dollars (\$100.00) for the first offense and for each successive violation a fine not to exceed one hundred fifty dollars (\$150.00).
- (12) Sec. 10-3-120. Damage to emergency equipment. (Article III, Government and Public Officers)
- It is unlawful for any person to damage, impair, obstruct or deface any fire protection, ambulance or police buildings, vehicles, equipment or apparatus. In addition to any penalties that may be imposed for violation of this Section, the defendant, if convicted, may be held liable for the replacement cost of such damage, either as a condition of deferred sentencing, suspended sentence, probation or otherwise.
- (13) Sec. 11-3-60. Penalty. (Article III, Gold Panning)
- Anyone found violating this Article shall be subject to a fine as provided in the general penalty provisions of this Code. Any equipment or other property utilized for mining or panning on Town property and not authorized by this Article shall be subject to confiscation. Any person convicted of violating this Article upon an express finding by the trier of fact that such violation involved the use of mechanical or hydraulic means for extracting, panning or mining, or any person convicted of violating this Article upon an express finding by the trier of fact that such violation impaired or damaged improvements owned by the Town, shall be punished by a minimum fine of one hundred dollars (\$100.00), and no portion of such minimum fine may be suspended. Restitution shall also be made to the Town for all damage to Town-owned property.
- (14) Sec. 11-4-110. Penalty. (Article IV, Fairplay Reservoir)
- Anyone found violating this Article and/or any regulations adopted hereunder shall be subject to a fine or imprisonment as provided in the general penalty provisions of this Code. Any person convicted of violating this Article upon an express finding by the trier of fact that such violation impaired or damaged the improvements made to the project, or that such violation required restoration or repair to the area, shall be punished by a minimum fine of one hundred dollars (\$100.00), and no portion of such minimum fine may be suspended.
- (15) Sec. 13-1-60. Connection to municipal water system; sanitation connections; meters; fees and charges. (Article I, Water)

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- (k) Costs of shut-off and penalty. All costs for material and labor required to shut off services will be borne by the consumer or owner of the property. Should any owner, or occupant or other consumer restore water service absent authorization from the Town, or cause it to be turned on after it has been turned off at the curb cock, service will be turned off at the main and an additional charge of one hundred fifty dollars (\$150.00), plus the cost of labor and material, as determined by the Town, shall be collected prior to resumption of service. Change of ownership or occupancy shall not affect the application of this Section.
- (16) Sec. 13-1-160. Waste of water prohibited. (Article I, Water)
- (a) Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. In addition to the penalty provided herein for violations of this Article, the water supply may be turned off when any such waste occurs and, in such case, a penalty of seventy-five dollars (\$75.00) plus all labor and material costs must be paid before the water is turned on again.
- (17) Sec. 13-1-170. Supplying water to others. (Article I, Water)
- The Water Department agrees to furnish water for a certain specified sum. If, therefore, a consumer furnishes water to other users, supplies water for animals or for sprinkling, washing vehicles or building purposes, or permits it to be taken without the knowledge or consent of the Water Department, such conduct shall be deemed a violation of contract and the consumer will be required to pay double the price of water so used. The Town reserves the right to shut off the supply for abuses of water privileges. When the water has been turned off for violation hereof, the water will not be turned on again until all water charges and penalties have been paid, including the additional sum of seventy-five dollars (\$75.00) for turning on the water.
- (18) Sec. 13-1-210. Payment of water bills; penalties and interest; service termination. (Article I, Water)
- (a) The Town Clerk shall prepare and mail monthly billing statements for water consumed during the previous month based on the schedule of water rates and charges established by the Board of Trustees. All charges for water shall be due and payable on the last day of the month in which the billing statement has been mailed (the "due date"). The failure of a customer or water user to pay a billing statement in full on or before the due date shall cause such statement to become delinquent. A delinquency penalty of fifteen dollars (\$15.00) shall be assessed and collected on any billing statement that has not been fully paid within five (5) days after the statement due date. Additionally, all unpaid bills shall be assessed and incur interest at a rate of one percent (1%) per month until fully paid; except that said interest shall not be assessed upon any delinquency penalty, but only on the principal amount due.
- (19) Sec. 13-2-50. Violation, penalty. (Article II, Cross-Connection Devices)
- Failure to comply with the provisions of this Article shall result in an enforcement order, and shall also be subject to the provisions and penalties prescribed by Sections 25-1-114 and 25-1-114.1 C.R.S., and to such other actions as provided by law. Further, such failure and/or violation may result in a water disconnect order and action until such failure and/or violation is corrected.
- (20) Sec. 16-18-20. Violations and penalties. (Article XIX, Signs)
- (a) It is unlawful to erect, construct, reconstruct, alter, maintain, use or have on one's property any sign or sign structure in violation of the Sign Code. Any person violating any provision of the code shall, upon conviction, be fined not more than one hundred dollars (\$100.00) for the first offense, and not less than one hundred dollars (\$100.00) or more than two hundred dollars (\$200.00) for a second or any subsequent offense and conviction.
- (21) Sec. 17-3-90. Penalty. (Article III, Administration and Enforcement)
- (a) Any person violating any regulations of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00).
- (22) Sec. 18-1-40. Violations and penalty. (Article I, Building Code)

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It shall be unlawful for any person, including an owner, occupant or builder, 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 Uniform Building Code or this Article. A violation of any of the provisions of the code or this Article shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or both such fine and imprisonment, for each separate offense. A separate offense shall be deemed committed on each day, or portion thereof, that the violation of any of the provisions of the code or this Article occurs or continues unabated after the time limit set for abatement of the violation.

Section 7. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 8. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 9. This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 4th day of November, 2002.

TOWN OF FAIRPLAY, COLORADO

(signature)
Tammy L. Quinn, Mayor

ATTEST:

(signature)
Diane Spomer, Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 16th day of December, 2002.

TOWN OF FAIRPLAY, COLORADO

(signature)
Tammy L. Quinn, Mayor

ATTEST:

(signature)
Diane Spomer, Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)
Edward M. Caswall, Town Attorney