

## ORDINANCE NO. 721

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

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO:

**Section 1.** The code entitled "Code of Ordinances, Town of Hayden, Colorado" published by Municipal Code Company, consisting of Titles 1 through 22, with tables and index, is adopted as a primary code by reference.

**Section 2.** All ordinances or portions of 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 Code of Ordinances, Town of Hayden, Colorado, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed.

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in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

**Section 4.** The following codes and rules and regulations were adopted by reference and incorporated in the Code of Ordinances, Town of Hayden, Colorado. One (1) copy of each such code is on file in the Town Clerk's office:

- (1) The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, as adopted and amended in Chapter 6.12 of Title 6.
- (2) The *International Building Code*, 2018 edition, published by the International Code Council, including appendix chapter C and J, as adopted and amended in Chapter 6.16 of Title 6.

- (3) The *National Electrical Code*, as adopted and amended by the state, published by the National Fire Protection Association, as adopted and amended in Chapter 6.20 of Title 6.
- (4) The *International Code Council Electrical Code, Administrative Provisions*, 2006 edition, published by the International Code Council, as adopted and amended in Chapter 6.24 of Title 6.
- (5) The *International Energy Conservation Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6.28 of Title 6.
- (6) The *International Existing Building Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6.32 of Title 6.
- (7) The *International Fuel Gas Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6.40 of Title 6.
- (8) The *International Mechanical Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6.44 of Title 6.
- (9) The *International Plumbing Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6.48 of Title 6.
- (10) The *International Residential Code*, 2018 edition, published by the International Code Council, including appendix chapters E and Q, as adopted and amended in Chapter 6.56 of Title 6.
- (11) The *Uniform Solar Energy Code*, 1994 edition, as adopted in Chapter 6.60 of Title 6.
- (12) The *Uniform Swimming Pool, Spa and Hot Tub Code*, 1994 edition, as adopted in Chapter 6.64 of Title 6.
- (13) The *Model Traffic Code for Colorado Municipalities*, 2003 edition, published by the Colorado Department of Transportation, Safety and Engineering Branch, as adopted in Chapter 20.04 of Title 20.

**Section 5.** The penalty provisions set forth in the Code of Ordinances, Town of Hayden, Colorado are hereby adopted as follows:

- (1) **Sec. 1.12.010. Violation of ordinances; general penalty.**

No person shall violate any of the provisions of the ordinances of the town. Any person who violates any of the provisions of the ordinances of the town shall be punished by a fine of not more than \$2,650.00. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code or the ordinances of the town, is committed, continued or permitted by any such person, and he shall be punished accordingly.

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

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

(3) The violation of any section of this Code by a person not having attained the age of 18 years at the time of the commission of the violation, shall be a misdemeanor. However, such conviction shall be punishable by a fine only, not exceeding \$300.00 or useful public service or such other penalty, excluding imprisonment, as may be appropriate. Any confinement of a child for contempt of municipal court shall not exceed 48 hours, and such confinement shall only be in a facility authorized under C.R.S. § 13-10-113(4).

**(2) Sec. 4.16.010. Penalty.**

Any person convicted of violating any provisions of this title shall, upon conviction, be punished according to section 1.04.010.

**(3) Sec. 4.36.030. Violation; penalty.**

If any such animal is found running at large or off the premises of the owner or keeper in violation of this chapter, it may be taken and im-pounded and/or the owner or possessor of the animal may be fined as provided in chapter 4.16.

**(4) Sec. 4.40.050. Alternative to impoundment; notice of chapter violation.**

In addition to or in lieu of impounding an animal, the animal control officer may issue to the known owner, possessor or keeper of such animal a notice of violation or may attach such notice on the collar of the animal. Such notice shall impose upon the owner a penalty as specified in chapter 4.16.

**(5) Sec. 6.08.060. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this section shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

**(6) Sec. 6.60.020. Penalty.**

Any person convicted of violating any provision of the preceding section shall, upon conviction, be punished by a fine of not more than \$300.00 or be imprisoned for more than 90 days, or by both such fine and imprisonment. Each day that such violation continues shall constitute a separate offense.

**(7) Sec. 6.64.020. Penalty.**

Any person convicted of violating any provision of the preceding section shall, upon conviction, be punished by a fine of not more than \$300.00 or be imprisoned for more than 90 days, or by both such fine and imprisonment. Each day that such violation continues shall constitute a separate offense.

**(8) Sec. 12.08.030. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this section shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

**(9) Sec. 12.12.070. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this section shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

**(10) Sec. 12.16.080. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this section shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

**(11) Sec. 12.20.090. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this chapter shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

**(12) Sec. 12.24.060. Violation, penalty.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall result in a penalty as provided in section 1.12.010.

**(13) Sec. 12.28.050. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this section shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

(14) **Sec. 14.08.030. Violation, penalty.**

Any violation of any of the provisions of this chapter shall be punished in accordance with the provisions of section 1.12.010.

(15) **Sec. 14.12.060. Violation, penalty.**

Any violation of the provisions of this chapter will be punished in accordance with the provisions of section 1.12.010.

(16) **Sec. 14.16.030. Violation, penalty.**

Any violation of the provisions of this chapter will be punished in accordance with the provisions of section 1.12.010.

(17) **Sec. 14.20.100. Penalty clause.**

Any violation of this chapter shall be punished in accordance with the provisions of section 1.12.010.

(18) **Sec. 14.24.060. Violation, penalty.**

Any person, firm or corporation that violates any of the provisions of this section shall be punished in accordance with section 1.12.010. Each day's violation thereof shall constitute a separate offense.

(19) **Sec. 14.32.020. Violation, penalty.**

Any violation of any of the provisions of this chapter shall be punished in accordance with the provisions of section 1.12.010.

(20) **Sec. 14.36.020. Penalty clause.**

Any violation of the provisions of this chapter shall be punished in accordance with the provisions of section 1.12.010.

(21) **Sec. 16.08.090. Failure to pay or make return; remedial action by town.**

(a) If any vendor makes a return as required by this chapter without paying the accommodations tax due, or neglects or refuses to make a return and pay the accommodations tax, such vendor shall be liable to the town for the tax and a penalty in addition to such tax in the amount of ten percent of the tax due. The penalty imposed in this section shall become immediately due and payable, and the town shall give the delinquent vendor written notice of the estimated tax and penalty, which notice shall be served personally upon the vendor or mailed to the vendor by certified mail at the address reflected on the vendor's sales tax license application.

(b) If any vendor fails to produce records suitable in the reasonable judgment of the finance director to determine the amount of accommodations tax due, the finance director shall make an estimate of the amount of the accommodations tax due, based upon an examination of the vendor's books

and records, or upon any other information within the possession of the finance director. Promptly thereafter, the finance director shall furnish the delinquent vendor with written notice of such estimated tax and penalty, which notice shall be served personally upon the vendor or mailed to the vendor by certified mail at the address of the taxable premises as reflected on the sales tax license application for such premises.

(c) If payments are not made by the vendor within 15 days after the furnishing of written notice, the finance director shall cause action to be taken for collection of all taxes due, including, without limitation, any and all penalties assessed thereon, interest on the unpaid taxes at a rate of five percent per month, the cost of collection and reasonable attorney's fees incurred in connection therewith. The vendor's sales tax license may also be revoked.

**(22) Sec. 16.16.080. Failure to pay or make return; remedial action by town.**

(a) If any vendor makes a return as required by this chapter without paying the excise tax due, or neglects or refuses to make a return and pay the excise tax, such vendor shall be liable to the town for the tax and a penalty in addition to such tax in the amount of ten percent of the tax due. The penalty imposed in this section shall become immediately due and payable and the town shall give the delinquent vendor written notice of the estimated tax and penalty, which notice shall be served personally upon the vendor or mailed to the vendor by certified mail at the address reflected on the vendor's sales tax license application.

(b) If any vendor fails to produce records suitable in the reasonable judgment of the town clerk to determine the amount of excise tax due, the town clerk shall make an estimate of the amount of the excise tax due, based upon an examination of the vendor's books and records, or upon any other information within the possession of the town clerk. Promptly thereafter, the town clerk shall furnish the delinquent vendor with written notice of such estimated tax and penalty, which notice shall be served personally upon the vendor or mailed to the vendor by certified mail at the address of the taxable premises as reflected on the sales tax license application for such premises.

(c) If payments are not made by the vendor within 15 days after the furnishing of written notice, the town clerk shall cause action to be taken for collection of all excise tax due including, without limitation, any and all penalties assessed thereon, interest on the unpaid tax at a rate of five percent per month, the cost of collection and reasonable attorney's fees incurred in connection therewith. The vendor's sales tax license may also be revoked.

**(23) Sec. 16.24.050. Penalty.**

Any person convicted of violating any of the provisions of this chapter shall be punished in accordance with the provisions of C.R.S. 39-26- 101 et seq., as amended.

**(24) Sec. 16.32.100. Violation, penalty.**

It shall be a violation of this chapter for any person who, by this chapter, is required to make any return or pay any tax to fail or refuse to make any return or pay any tax required to be made or paid by this chapter; to make any false or fraudulent return or any false statements in any re-turn; to fail or refuse to make payment to the finance manager, town clerk or county clerk of any taxes collected or due the town; or in any manner to evade the collection of any payment of the tax, or any part thereof, imposed by this chapter; or for any person or purchaser to fail or refuse to pay such tax or evade the payment thereof or to aid or abet another in any attempt to evade the payment of the tax imposed by this chapter. Any corporation or officer thereof making a false return or a return containing a false statement shall be guilty of a violation of this chapter and shall be punished as set forth in section 1.12.010.

**(25) Sec. 16.36.090. Failure to pay or make return; remedial action by town.**

(a) If any vendor makes a return as required by this chapter without paying the vehicle rental tax due, or neglects or refuses to make a return and pay the vehicle rental tax, such vendor shall be liable to the town for the tax and a penalty in addition to such tax in the amount of ten percent of the tax due. The penalty imposed in this section shall become immediately due and payable, and the town shall give the delinquent vendor written notice of the estimated tax and penalty, which notice shall be served personally upon the vendor or mailed to the vendor by certified mail at the address reflected on the vendor's sales tax license application.

(b) If any vendor fails to produce records suitable in the reasonable judgment of the finance director to determine the amount of vehicle rental tax due, the finance director shall make an estimate of the amount of the vehicle rental tax due, based upon an examination of the vendor's books and records, or upon any other information within the possession of the finance director. Promptly thereafter, the finance director shall furnish the delinquent vendor with written notice of such estimated tax and penalty, which notice shall be served personally upon the vendor or mailed to the vendor by certified mail at the address of the taxable premises as reflected on the sales tax license application for such premises.

(c) If payments are not made by the vendor within 15 days after the furnishing of written notice, the finance director shall cause action to be taken for collection of all taxes due, including, without limitation, any and all

penalties assessed thereon, interest on the unpaid taxes at a rate of five percent per month, the cost of collection and reasonable attorney's fees incurred in connection therewith. The vendor's sales tax license may also be revoked.

**(26) Sec. 18.08.150. Violation, penalty.**

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to punishment according to section 1.12.010.

**(27) Sec. 18.12.020. Maintenance—City action; assessment of property owner.**

Whenever the Town Council directs the construction or repair of any sidewalks as provided in section 18.12.010, the town clerk shall, immediately thereafter, notify all owners of property fronting on the same, their agents or persons having charge of such property, in writing, that an order has been made by the Town Council requiring construction or repair of such side-walk. If such property owners do not construct or repair the same according to requirements of such order within fifteen days after the service of such notice upon them, the Town Council may order that such sidewalk be constructed or re-paired and assess the cost thereof against the property fronting upon the sidewalks so con-structed or repaired. The amount so assessed against each lot shall be the actual cost of constructing or repairing that portion of such sidewalk as each of the lots front upon, including the cost of serving such notices. The amount so assessed shall be a lien upon such property until the same is paid, provided, if failure to pay such assessment within ten days after the same has been made, the town clerk shall prepare a notice of such assessment to be given to the owners of all such property by publication in a newspaper published within the town for four successive weeks. This publication shall contain a notice to such property owners of the amount assessed against their property and designate a time and place when the Town Council will hear any objections as to the justness and correct-ness of the amount so assessed. If such assessments are not paid within ten days after the time fixed for hearing such objections, unless the same are sustained, the town clerk shall certify such assessments to the county clerk, or the officer then having the custody of the tax lists for the current year, to be collected in the same manner as other taxes are collected, with ten percent penalty thereon to defray cost of collection, as provided by the laws of the state.

**(28) Sec. 18.12.060. Removal of obstructions, generally.**

The town manager is authorized to order any article or thing whatsoever, including buildings, fences and other obstructions, which might en-cumber or obstruct any street, alley or public landing, to be removed. If such article or thing, building or fence or any other obstruction is not removed



within six hours after notice to the owner or person in charge thereof to remove the same, or if the owner cannot be readily found for the purpose of such notice, the town manager shall cause the same to be removed to some suitable place to be designated by him, and the owner of the article so removed shall forfeit a penalty of not more than \$10.00 in addition to the cost of removal.

**(29) Sec. 18.12.160. Snow removal—collection of assessment.**

In case the owner of any lot, parcel or tract of land against which the assessment authorized in section 18.12.120 has been made fails within 20 days of the making of such assessment to make payment of the amount assessed by the Town Council against the lot, parcel or tract of land, such assessment, together with a penalty of ten percent added thereto, shall be certified by the town clerk to the county finance manager, or officer having custody of the tax list at the time such certificate is made, in the same manner as sidewalk taxes are certified to that officer, and the county finance manager shall collect all assessments in the same manner that general taxes are collected, and all the laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments, and such assessment shall be a lien in the several amounts assessed against each lot, parcel or tract of land until paid, and shall have priority over liens, except general taxes and prior special assessments.

**(30) Sec. 18.12.240. Violation, penalty.**

Any violation of this chapter shall be punished in accordance with the provisions of section 1.12.010.

**(31) Sec. 20.16.100. Penalties, violations and fines.**

(a) The penalty for violation of this chapter shall be in accordance with section 1.12.010, as may be amended.

(b) Any persons in violation of any town or state traffic laws will be cited and assessed fines that are applicable to said violations. The police department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter.

(c) The town shall revoke the registration of any OHV whose registered owner is convicted of three or more violations of any town or state traffic laws within one year.

**(32) Sec. 22.08.010. Violation of chapters 22.32 through 22.36; penalty.**

Any person convicted of violating any provision of chapters 22.32 and 22.36 shall, upon conviction, be punished according to section 1.12.010t.

(33) **Sec. 22.20.040. Penalties.**

The penalty for violation of this chapter shall be in accordance with the penalty assessment and schedule, as specified in section 1.12.010, as may be amended. In addition to the penalties provided, the person violating the provisions of the ordinance codified in this chapter shall be liable for and shall reimburse the town for any costs, expenses and damages incurred by the town or any other person or entity as a result of such violation of this chapter.

(34) **Sec. 22.28.080. Penalty.**

The penalty for violation of this chapter shall be in accordance with the penalty assessment and schedule as specified in section 1.12.010, as may be amended.

(35) **Sec. 22.48.210. Penalty.**

Any person convicted of violating any provision of this chapter shall, upon conviction, be punished according to section 1.12.010.

**Section 6.** Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

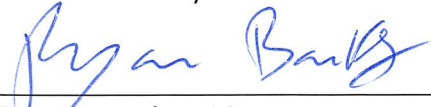
**Section 7.** Ordinances adopted after this ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.


**Section 8.** The Town Council finds, determines and declares that this Ordinance is necessary for the immediate preservation of public health and safety in order to make this Ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assure that the purposes of this Ordinance are met. This Ordinance and the Hayden Municipal Code shall become immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect immediately after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

**Section 9.** A public hearing on this Ordinance will be held on the 5th day of January, 2023, at the regular meeting of the Hayden Town Council

beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado

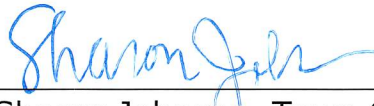
INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 15TH DAY OF DECEMBER, 2022.

  
\_\_\_\_\_  
Ryan Banks, Mayor

ATTEST  
  
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Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 5TH DAY OF JANUARY, 2023.

  
\_\_\_\_\_  
Ryan Banks, Mayor

ATTEST  
  
\_\_\_\_\_  
Sharon Johnson, Town Clerk



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