



AULT MUNICIPAL CODE

PREFACE

The Ault Municipal Code is codification of the general and permanent Ordinances of the Town of Ault, Colorado as codified by Bell, Gould, Linder and Scott.

AULT MUNICIPAL CODE
REVISION HISTORY

Version Number	Number of Individual Revisions	Section Titles Affected	Ordinance	Ordinance Section
2022-00000001	30	<ul style="list-style-type: none"> • 2. 20. 020 - Administration and Personnel > Police Department > Department Rules and Regulations • 5. 13. 300 - Business Licenses and Regulations > Marijuana Establishments > Location Restrictions • 5. 13. 300 - Business Licenses and Regulations > Marijuana Establishments > Location Restrictions • 5. 20. 020 - Business Licenses and Regulations > Peddlers, Solicitors and Transient Merchants > Violation • 5. 13. 120 - Business Licenses and Regulations > Marijuana Establishments > Application review process for new licenses • 8. 04. 070 - Health and Safety > Garbage Collection and Disposal > Receptacles- - Specifications • 8. 04. 080 - Health and Safety > Garbage Collection and Disposal > Receptacles- - Location • 8. 04. 100 - Health and Safety > Garbage Collection and Disposal > Abatement of Refuse Accumulations • 8. 04. 110 - Health and Safety > Garbage Collection and Disposal > Leaves, Tree or Grass Clippings • 8. 08. 010 - Health and Safety > Weeds and Rubbish > Definitions • 8. 08. 020 - Health and Safety > Weeds and Rubbish > Weed Growth, Undesirable Plants, and Trash Accumulation- -Prohibited When • 8. 08. 030 - Health and Safety > Weeds and Rubbish > Weed Growth, Undesirable Plants, and Trash Accumulation- -Deemed Public Nuisance When • 8. 08. 040 - Health and Safety > Weeds and Rubbish > Abatement of Nuisance- - Notice Required • 8. 08. 050 - Health and Safety > Weeds and Rubbish > Abatement of Nuisance- -Town May Perform Work or Contract for Work to be Done • 8. 08. 060 - Health and Safety > Weeds and Rubbish > Costs of Abatement by Town- - Collection • 8. 08. 070 - Health and Safety > Weeds and Rubbish > Right to Entry on Property • 8. 08. 080 - Health and Safety > Weeds and Rubbish > Violation- -Penalty • 8. 12. 150 - Health and Safety > Fire Prevention > Fire Prevention Code - Violation- - Penalty • 9. 36. 035 - Public Peace, Morals and Welfare > Violation- -Penalty > Imposing Court Costs • 11. 15. 020 - Oil and Gas Drilling and Production > Violation and Enforcement > Penalty • 12. 02. 010 - Streets, Sidewalks and Public Places > Streets > Right of Way Maintenance • 13. 04. 400 - Public Services > Water System > Non-Potable Water Regulations • 13. 04. 400 - Public Services > Water System > Non-Potable Water Regulations • 15. 04. 100 - Buildings and Construction > Building Codes > Fuel Gas Code Adopted by Reference • 15. 04. 040 - Buildings and Construction > Building Codes > National Electrical Code Adopted by Reference • 15. 08. 330 - Buildings and Construction > Mobile Homes and Mobile Home Parks > • 16. 03. 040 - Land Use > Zoning > Principal and Conditional Uses Permitted by Zoning District • 16. 03. 111 - Land Use > Zoning > Home-Based Businesses (Home Occupation) Permit Criteria • 16. 03. 050 - Land Use > Zoning > Conditional Uses – Use by Special Review • 20. 1. 1 - Fee Schedule > Fee Schedule > Fee Schedule 	540	1

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Chapter 1.01 Code Adoption (Reserved)

Chapter 1.04 General Provisions

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1.04.010. Title and Citation

The Ordinance embraced in the following chapters and sections shall constitute and be designed the "Ault Municipal Code," and may be so cited. (Amended during 1988 codification; prior code § 1-1)

1.04.020. Definitions

In the construction of this Code, and of all Ordinances, the following rules shall be observed unless the context clearly indicates otherwise:

- A. Administrative Authority. The "administrative authority" is the Town Clerk or his or her authorized representative or such other town official or employee authorized to enforce the provisions of this Code and the Ordinances of the Town.
- B. Board of Trustees. Whenever the words "the Board" are used, they shall be construed to mean the Board of Trustees of the Town of Ault.
- C. County. The words "the County" or "this County" means the County of Weld.
- D. Mayor. Whenever the word "Mayor" is used, it shall be constructed to mean the Mayor of the Town of Ault.
- E. Or, And. "Or" may be read "and," and "and" may be read "or" if the sense requires it.
- F. Owner. The word "owner," applied to a building or land, includes any part owner, joint owner, tenant, or tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, co-partnerships of the whole or of a part of

such building or land.

G. Person. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, co-partnerships and bodies politic and corporate as well as to individuals, including the officer of such associations, corporations, etc.

H. Personal Property. "personal property" includes every species of property except real property.

I. State. The words "the state" or "this state" shall be constructed to mean the State of Colorado.

J. Time. Words used in the present or past tense include the future as well as the present or past.

K. Town. The words "the Town" or "this Town" shall be construed as if the words "of Ault" followed and shall extend to and include its several officers, agents and employees. (Amended during 1988 codification; prior code § 1-2)

1. 04. 030. Catch-lines of Sections

The catch-lines of the several sections of this Code consisting of the underlined portion following the section number are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such unless expressly so provided. They shall be treated in this manner when any of such sections, including the catch-lines, are amended or reenacted. (Prior code § 1-3)

1. 04. 040. Effect of Repeal of Ordinances

The repeal of an Ordinance shall not revive any ordinances in force before or at the time the Ordinance repealed took effect. The repeal of an Ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the Ordinance repealed. (Prior code § 1-4)

1. 04. 050. Severability

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code is declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code. (Prior code § 1-5)

1. 04. 060. Alternation of Code

It is unlawful for any person, firm or corporation in the Town to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby. (Prior code § 1-7)

1. 04. 070. Code Fee Schedule

The Code has various chapters and sections which provide for certain rates and fees to be charged for certain items, services and permits. These various charges shall be fixed in accordance with an annual Resolution passed by the Board.

Chapter 1. 06 Elections

Sections:

- 1. 06. 010 Write-in Candidate - Affidavit
- 1. 06. 020 Election May Be Canceled When

1. 06. 010. Write-in Candidate - Affidavit

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written not later than sixty-four (64) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

HISTORY

- Original
- Ord. 504, 2018

1. 06. 020. Election May Be Canceled When

If the only matter before the voters is the election of persons to office and if, at the close of business sixty-four (64) days before the election, there are not more candidates than offices to be filled at such elections, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the Board of Trustees either before or after such date. shall cancel the elections and by resolution declare the candidates elected. If so provided by ordinance, upon such declaration the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

HISTORY

- Original
- Ord. 504, 2018

Chapter 1. 08 Town Seal

Sections:

- 1. 08. 010 Description

1. 08. 010. Description

A seal, the impression of which is as follows:

In the center a potato and potato vine and the word "Seal" surrounded by the words "Town of Ault, Colorado, 1904," Shall be and is declared to be the official seal of the Town. (Prior Code § 2-15)

Chapter 1. 12 General Penalty

Sections:

- 1. 12. 010 Violation- -Penalty

- 1.12.020 Election or Redress by Prosecutor
- 1.12.030 Aiding or Abetting a Violation
- 1.12.040 Judgments and Sentences to Run Consecutively

1.12.010. Violation- -Penalty

- A. Violation of Code Provisions - Penalty - Additional Remedies. It is unlawful for any person to violate any provision or fail to comply with any 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 two thousand six hundred fifty dollars (\$2,650.00) or by imprisonment not exceeding three hundred sixty-four (364) days, 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.
 - (Prior Code, Section 1-8; Ord. 343, Section 3, 1994; Ord. 429, Section 1, 2006)
- B. 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 misdemeanor; 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 herein, 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 Subsection A above or of 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.
 - (Prior Code, Section 108; Ord. 343, Section 3, 1994; Ord. 429, Section 1, 2006)
- C. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.
 - (Prior Code, Section 1-8; Ord. 343, Section 3, 1994)

HISTORY

- Original
- Ord. 533, 2021

1.12.020. Election or Redress by Prosecutor

In case where the same offense shall be punishable or created by different classes or sections of this Code or other Ordinances of the Town, the prosecuting officer may select under which to proceed, but no more than one (1) penalty shall be had against the same person for the same offense. (Prior code § 1-9)

1.12.030. Aiding or Abetting a Violation

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared in this Code to be in violation of this Code or other Ordinance of one (1) or more other persons, or as a principal, agent or accessory shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Code or other Ordinances of the

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Town is likewise guilty of such offense. (Prior Code § 1 - 12)

1. 12. 040. Judgments and Sentences to Run Consecutively

All judgments and sentences imposed and ordered by the municipal court of the Town shall run consecutively unless otherwise specifically provided by the judge of such court in such judgments and sentences. (Prior Code § 1-13)

Chapter 1. 16 REPEALED

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- 2. 04 Mayor And Board of Trustees
- 2. 08 Town Officers Generally
- 2. 12 Town Clerk
- 2. 16 Town Attorney
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- 2. 50 Disposition And Sale of Town-Owned Property
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Chapter 2. 04 Mayor And Board of Trustees

Sections:

- 2. 04. 010 Term of Office—Board of Trustees
- 2. 04. 020 Terms of Office—Mayor
- 2. 04. 030 Filling of Vacancies
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2. 04. 010. Term of Office—Board of Trustees

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At the April 4, 1972 election, six (6) trustees shall be elected. The three (3) candidates for trustee receiving the highest number of votes shall be elected for a four-year term, and the three (3) candidates for trustee receiving the next highest number of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three (3) trustees shall be elected to serve four-year terms. Trustees are allowed consecutive terms not to exceed a total of eight (8) years in addition to any partial term which they fill. After serving the maximum consecutive terms allowed hereunder, a Trustee elected official must wait at least four (4) years before they are eligible to run for office again. (Ord. 181 §1, 1972) (Amended during the 2015 codification)

2. 04. 020. Terms of Office—Mayor

At the April 4, 1972 election, and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four-year term. A Mayor is allowed consecutive terms not to exceed a total of eight (8) years in addition to any partial term they may fill. After serving the maximum consecutive terms allowed hereunder, a Mayor elected official must wait at least four (4) years before they are eligible to run for office again. The position of Mayor is not to be counted as consecutive to the Trustee position so that a term-limited Trustee could run for Mayor, and a term-limited Mayor could run for the office of Trustee. (Ord. 181 §2, 1972) (Amended during the 2015 codification)

2. 04. 030. Filling of Vacancies

The Board of Trustees shall have power by appointment to fill all vacancies in the Board or in any other elected office, and the person so appointed shall hold office until the next regular election when his successor is selected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for trustee receiving the highest number of votes shall be elected to four-year terms, and the candidate or candidates receiving the next highest number of votes in descending order shall be elected to fill the unexpired term or terms. (Ord. 181 §3, 1972)

2. 04. 040. Regular Meetings

The regular meetings of the Board of Trustees of the Town shall be held on the second Wednesday of each month at the town hall at 7:00 p.m., unless another day and time is provided by Resolution of the Board; provided, however, that if such meeting date falls on a legal holiday, such meeting shall be rescheduled to be held as soon as practical thereafter. (Amended during 1988 codification; Ord. 232 §1, 1979; Ord. 365 §1, 1996) (Amended during the 2015 codification)

2. 04. 050. Special Meetings

The Mayor and 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 usual place of residence. All meetings when more than two (2) members of the Board of Trustees are present and Town business is to be discussed shall be publicly noticed in the manner required by state statute. (Prior Code §2-2) (Amended during 2015 codification)

2. 04. 060. Compensation

A. Pursuant to Section 31-4-109, C.R.S., the Mayor shall receive for his services the sum of two hundred dollars

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(\$200.00) each month.

- 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.
- C. Compensation established by this section shall apply to the Mayor and Trustees elected at the regular election in 1996.

(Prior code §2-4; Ord. 314, 1988; Ord. 355 §1, 1996)

2. 04. 070. Quorum—Penalty for Nonattendance

A majority of the whole number of the Board shall constitute a quorum to do business at all meetings of the Board, but a minority may adjourn from time to time and compel the attendance of absent members by a fine not exceeding ten dollars (\$10.00). (Prior Code §2-3)

2. 04. 080. Communications to be Written—Address

All petitions, memorials, and remonstrances to the Board shall be in writing, and shall be addressed "To the Honorable Mayor and Board of Trustees of The Town of Ault, State of Colorado." (Prior Code §2-5)

2. 04. 090. Order of Business

At the hour appointed for meeting, the members shall be called to order by the Mayor, or in his absence, by the Mayor Pro Tempore, and the Clerk shall proceed to call the roll, note the absentees, and announce whether a quorum is present. If the quorum is present, the Board shall proceed with the business before them which shall ordinarily involve at least the following in any order determined by the Board:

1. Approval of the minutes of the preceding meeting or meetings and taking action thereon;
2. Receiving petitions, memorials, remonstrances and other communications and taking action thereon;
3. Reports of committees, which may be made and considered, first from the standing committees in their order, and the next from special committees;
4. Presentation of bills and approval of payments;
5. Receiving public comment and information;
6. Old or Unfinished Business;
7. New Business.

(Prior Code §2-6) (Amended during 2015 codification)

2. 04. 100. Robert's Rules of Order

Where procedure is not specifically provided for in this chapter, Roberts' Rules of Order shall apply, subject to such modifications as may be approved by the Board. (Prior Code §2-7) (Amended during the 2015 codification)

2. 04. 110. Order of Business—Amendment or Suspension

The rules and order of business in this chapter may be amended or suspended at any meeting only by two-thirds (2/3)

vote of all the members elected to the Board. (Prior Code §2-8)

2. 04. 120. Ordinance—Introduction and Passage

No Ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety and then only by the affirmative vote of three-fourths (3/4) of the voting members of the Board. In all other cases, an Ordinance shall be introduced and read at one regular meeting of the Board and if the Ordinance is passed on first reading, the Ordinance shall be read by title only and again voted upon at the next regular meeting of the Board. If the Ordinance receives the required vote on its second reading, the same shall be duly adopted.

(Prior Code, Section 2-9; Ord. 432, 2006)

2. 04. 130. Ordinances—Voting

Each member present shall be entitled to vote upon the passage of any Ordinance or Resolution, subject to the obligation to abstain from any matter in which such member has a personal interest. The yeas and nays shall be called and recorded.

(Prior Code §2-10) (Amended during 2015 codification)

2. 04. 140. Ordinances—Recordation—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 published once in some newspaper published within the Town limits, or if there be none, then in some newspaper of general circulation in the Town.

(Prior Code §2-11)

2. 04. 150. 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.

(Prior Code §2-12)

2. 04. 160. Committees

- A. All committees shall be appointed by the Mayor, or Mayor Pro Tempore.
- B. The following standing committees shall be appointed biannually and shall consist of two (2) members each:
 - 1. Finance and Budget;
 - 2. Parks and Cemetery;
 - 3. Library, Health and Welfare;
 - 4. Water and Sewer;
 - 5. Street and Alley;
 - 6. Police

C. Other committees shall be appointed by the Mayor or Mayor Pro Tempore as the need arises.

(Amended during 1988 codification; Prior Code §2-13)

2. 04. 170. Bills to be Approved

All bills for labor or material shall be itemized, giving such labor was performed or materials purchased. All bills must receive the approval of the finance committee, but only those bills in excess of eighteen hundred dollars (\$1,800.00) need also be approved by the Board.

(Ord. 452) (Prior Code, Section 2-14; Ord. 428, 2006)

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 vote of a majority of the entire Board. The names of those who voted and the vote each candidate received upon the vote resulting in an appointment shall be recorded. (Prior Code §2-16)

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.
- 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 causes, and until their successors are duly appointed and qualified.

(Prior Code §2-17; Ord. 350 §1, 1996)

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. (Prior code

§2-18)

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 official duties, may be removed from office, during his term of office, by a vote of a majority of all members elected to the Board after such notice and hearing as may be required under state law to comport with due process. (Prior Code §2-19; Ord. 350 §2, 1996) (Amended during 2015 codification)

2. 08. 050. Removal from Office- -Notice

All charges preferred against any appointed officer shall be made in writing and shall clearly specify the cause or causes for removal. A copy of such charges and specifications, 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. (Prior Code §2-20; Ord. 350 §3, 1996)

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 offered in his 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 and through counsel.

(Prior Code §2-21; Ord. 350 §4, 1996)

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 and specification. If four (4) members of the Board find the accused guilty of any of the charges, they may on that basis resolve that the accused be removed from office, and his office is declared vacant. (Prior Code §2-22) (Amended during 2015 codification)

Chapter 2.12 Town Clerk

Sections:

2.12.010 Duties

2.12.020 Oath- -Bond

2.12.030 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 shall keep a correct journal of all proceedings of the Board and shall record all Resolutions, bylaws and Ordinances passed by the Board in a separate book to be kept for proof of publication. He shall keep on file in 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 office without the written consent of the Mayor. He 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 by the Board. (Prior Code §2-23)

2.12.020. Oath- -Bond

Prior to entering upon his duties as Town Clerk, the person so appointed shall take and subscribe an oath of office and shall take and bond in the sum of five thousand dollars (\$5,000.00) (Prior Code §2-24)

2.12.030. Compensation

The Town Clerk shall receive as compensation for his services as Town Clerk during each term a salary in an amount to be fixed by the Board and adjusted annually by the Mayor. (Amended during 1988 codification; Prior Code §2-25)
(Amended during 2015 codification)

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 should 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 shall appear for the Town in all actions and suits in which the Town is a party, and prosecute and defend as the occasion demands. He 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 opinion, the interests of the Town demand such action. (Prior Code §2-26)

2.16.020. Oath- -Bond

Prior to entering upon his duties as Town Attorney, the person so appointed shall take and subscribe an oath for the faithful performance of his duties. (Prior Code §2-27)

2.16.030. Compensation

The Town Attorney shall receive as compensation for his services as Town Attorney compensation in an amount and on such a basis as to be fixed by Resolution of the Board. (Amended during 1988 codification; Prior Code, Section 2-28)
(Amended during 2015 codification)

Chapter 2.20 Police Department

Sections:

2.20.010 Creation; Composition

- 2. 20. 020 Department Rules and Regulations
- 2. 20. 030 Employment, Powers and Duties of the Chief
- 2. 20. 040 Duties of Police Officers
- 2. 20. 050 Oath
- 2. 20. 060 Uniforms
- 2. 20. 070 Duty of Citizens to Aid
- 2. 20. 080 Extraterritorial Duty

2. 20. 010. Creation; Composition

There is hereby created a Police Department for the Town which shall consist of one (1) Chief of Police and as many police officers, civilian employees, and supervisors as may from time to time be deemed necessary for the safety and good order of the Town.

(Ord. 319 §1, 1988)

HISTORY

- Original
- Ord. 542, Section 1, 2023

2. 20. 020. Department Rules and Regulations

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be recommended by the Police Chief according to Town, State and Federal law.

(Ord. 319 §2, 1988)

HISTORY

- Original
- Ord. 540, Section 1, 2023
- Ord. 542, Section 1, 2023

2. 20. 030. Employment, Powers and Duties of the Chief

The Board of Trustees shall hire a Chief of Police who shall be the head of the police department and report directly to the Town Administrator as their supervisor. It shall be the duty of the Chief of Police to:

- A. See that the Ordinances of the Town are duly enforced and the rules and regulations of the police department obeyed, and perform such duties as may be required by the Board acting through the Town Administrator.
- B. Direct the operations of the police department, subject to the rules and regulations thereof.
- C. Arrest or serve a summons to appear before the municipal court to any person violating any of the Town Ordinances and take such violator before the municipal court for arraignment.
- D. Render such accounts of the police department, his duties, and receipts as may be required by the Board, and keep records of his office open to inspection by the Board any time.
- E. Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he will support the Constitution and laws of the state, Constitution of the United States and Ordinances of the Town and that he will faithfully perform the duties of the office upon which he is about to enter.

F. Perform all duties of a police officer as outlined in Section 2. 20. 040.

(Ord. 319 §3, 1988; Ord. 351 §1, 1996)

HISTORY

- Original
- Ord. 542, Section 1, 2023

2. 20. 040. Duties of Police Officers

All members of the police department shall have power and duties as follows:

- A. They shall perform all duties required of the Police Chief.
- B. They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town and pursue and arrest any person fleeing from justice in any part of the state.
- C. They shall be the enforcement officers of the Town and shall see that the provisions of the Ordinances of the Town and the laws of the State are complied with. They shall have the authority to arrest or serve a summons to appear before the municipal court to all persons engaged in any violation in their presence of any provision of the Ordinances of the Town or the laws of the state.
- D. They shall report such offenses as may come to their knowledge to the proper town official or they shall report the same to the Police Chief, securing a warrant for the arrest of the offenders when desirable.
- E. They shall execute and return all writs and process them as directed by the municipal judge in any case arising under a Town Ordinance, and they may serve the same in any part of the county in which such Town is situated.
- F. They shall observe the condition of the streets, sidewalks and alleys in the Town and of any obstruction, nuisance or impediments therein, and shall report the same to the proper official.

(Ord. 319 §4, 1988)

2. 20. 050. Oath

Before entering upon the duties of his office, each police officer shall take and subscribe an oath that he will support the Constitution of the United States and the Ordinances of the Town, and that he will faithfully perform the duties of the office upon which he is about to enter. (Ord. 319 §5, 1988)

2. 20. 060. Uniforms

Every police officer shall wear at all times while on duty a uniform of the type and quality prescribed by the rules and regulations of the department. A uniform allowance shall be furnished by the Town.

(Ord. 319 §6, 1988)

HISTORY

- Original
- Ord. 542, Section 1, 2023

2. 20. 070. Duty of Citizens to Aid

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the

discharge of his duties where such request is reasonable and does not endanger the party called upon to assist the officer. (Ord. 319, Section 7, 1988)

2. 20. 080. Extraterritorial Duty

The Chief of Police may at his discretion, upon request of the Chief of Police or person exercising the functions thereof in any other jurisdiction, assign police officers under his control, together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

(Ord. 319 §8, 1988)

Chapter 2. 22 Mayor - Powers

Sections:

- 2. 22. 010 Mayor Presides
- 2. 22. 020 Mayor as Member of Board
- 2. 22. 030 Mayor not to Vote – Except When Tie
- 2. 22. 040 Mayor – Approval of Ordinances and Resolutions
- 2. 22. 050 Mayor – Disapproval of Ordinances and Resolutions
- 2. 22. 060 Town Board – Override of Veto
- 2. 22. 070 Mayor – Failure to Sign or Approve

2. 22. 010. Mayor Presides

The Mayor, or in his or her absence, one (1) of the Trustees, who may be elected Mayor Pro Tempore, shall preside at all meetings of the Board of Trustees. (Ord. 439, 2008)

2. 22. 020. Mayor as Member of Board

The Mayor shall be considered a member of the Board of Trustees. (Ord. 439, 2008)

2. 22. 030. Mayor not to Vote – Except When Tie

The Mayor shall not be entitled to vote on any matter before the Board, except in the case of a tie vote, the Mayor shall vote to break the tie. (Ord. 439, 2008)

2. 22. 040. Mayor – Approval of Ordinances and Resolutions

Any Ordinance adopted and all Resolutions authorizing the expenditure of money or the entering into of a contract shall require the approval and signature of the Mayor before they are valid, except as hereafter provided. (Ord. 439, 2008)

2. 22. 050. Mayor – Disapproval of Ordinances and Resolutions

Such Ordinance or Resolution shall be presented to the Mayor within forty-eight (48) hours after the action of the Board for his signature approving the same. If he disapproves, he shall return such Ordinance or Resolution to the Board at its next regular meeting with his objections in writing. (Ord. 439, 2008)

2. 22. 060. Town Board - Override of Veto

At the next regular meeting, the Town Board shall cause the objections to the Ordinance or Resolution to be entered into the minutes of such meeting and, at such meeting or at the next regular meeting, shall consider the question: "Shall the Ordinance or Resolution, notwithstanding the Mayor's objections, be passed?" If two thirds (2/3) of the members of the Board of Trustees vote in the affirmative, such Resolution shall be valid and such Ordinance shall become a law the same as if it had been approved by the Mayor. (Ord. 439, 2008)

2. 22. 070. Mayor - Failure to Sign or Approve

If the Mayor fails to return to the next subsequent meeting of the Town Board any Resolution or Ordinance presented to him for his approval, the same shall become a valid Ordinance or Resolution, as the case may be, in like manner as if it had been approved by him. (Ord. 439, 2008)

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. (Prior Code §2-54)

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 or statement. (Prior Code §2-55)

2. 24. 030. Oath- -Bond

Prior to entering upon his duties such 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). (Prior Code §2-57)

2. 24. 040. Compensation

The Town Treasurer shall receive as compensation for his services a salary in an amount to be fixed by Resolution of the Board, subject to adjustment annually by the Mayor. (Prior Code §2-58) (Amended during the 2015 codification)

Chapter 2. 26 Town Administrator

Sections:

- 2. 26. 010 Duties
- 2. 26. 020 Oath
- 2. 26. 030 Compensation
- 2. 26. 040 Mayor to Act as Town Administrator
- 2. 26. 050 Administrative Structure

2. 26. 010. Duties

The Town Administrator shall perform such duties as are assigned by the Mayor and Board of Trustees. In the absence of a Town Administrator, the duties of the Administrator shall be performed by the Mayor and Town Clerk as the administrative officials of the Town. The Town Administrator shall manage all non-appointed town employees and shall manage salaries and benefits for them, subject to Board review. (Ord. 313 (part), 1987) (Ord. 357, 1996) (Amended, Codification 2011) (Amended during the 2015 codification)

2. 26. 020. Oath

Prior to entering upon the duties of the office, the person so appointed shall take and subscribe an oath of office. (Ord. 313 (part), 1987)

2. 26. 030. Compensation

The Town Administrator shall receive a salary in an amount to be fixed by Resolution of the Board of Trustees. (Amended during 1988 codification; Ord. 313 (part), 1987)

2. 26. 040. Mayor to Act as Town Administrator

In the event that the Board of Trustees chooses not to appoint a Town Administrator, the Mayor and Town Clerk shall exercise all functions and duties of such administrator. Such duties shall be assigned between the Mayor and the Clerk by the Mayor. In such event no additional compensation shall be owed. (Ord. 357, Section 1, 1996) (Amended, Codification 2011) (Amended during the 2015 codification)

2. 26. 050. Administrative Structure

The Town Administrator shall be responsible for establishing and maintaining an administrative structure with an appropriate chain of command for employees of the Town. In order to maintain the integrity of such administrative structure and chain of command, the Town Board shall give directions to employees only through the Mayor. Individual Board members shall not subvert the Administrative Structure/chain of command by contacting employees directly other than for routine information requests as any other citizen could request. (Ord. 392, Section 1, 2000).

Chapter 2. 28 Public Works Supervisor

Sections:

- 2. 28. 010 Duties
- 2. 28. 020 Oath- -Bond
- 2. 28. 030 Compensation

2. 28. 010. Duties

The Public Works Supervisor 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 Supervisor 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 this Code. (Prior Code §2-59)

2. 28. 020. Oath- -Bond

The Public Works Supervisor shall not be required to take any oath of office nor to give bond for the faithful performance of his duties nor shall any oath or bond be required of his deputies. (Prior Code §2-60)

2. 28. 030. Compensation

The Public Works Supervisor shall receive as compensation for his services salaries in an amount to be fixed by the Town Administrator. (Prior Code §2-61)

Chapter 2. 32 Town Engineer

Sections:

- 2. 32. 010 Appointment- Compensation

2. 32. 010. Appointment- Compensation

- A. The Town Engineer shall receive as compensation for his services a sum to be fixed between the Board and the person, association, partnership or corporation to be appointed.
- B. The Town Engineer shall not be considered to be an employee of the Town but shall be considered an independent contractor.
- C. The Town Engineer shall not be required to take an oath nor give bond for the faithful performance of his duties.

(Prior Code §2-62)

Chapter 2. 36 Municipal Court

Sections:

- 2. 36. 010 Definitions
- 2. 36. 020 Municipal Court Created --Sessions
- 2. 36. 030 Municipal Judge- -Term- -Power- -Assessment of Court Costs- -Surcharge
- 2. 36. 040 Municipal Judge- -Oath
- 2. 36. 050 Municipal Judge- -Compensation

- 2. 36. 060 Clerk of the Court
- 2. 36. 070 Rules of Procedure
- 2. 36. 080 Right to Trial by Jury
- 2. 36. 090 Juror Qualifications
- 2. 36. 100 Jury Commissioner
- 2. 36. 110 Jury Panel
- 2. 36. 120 Summoning of Jurors
- 2. 36. 130 Failure of Juror to Appear- -Penalty
- 2. 36. 140 Drawing of Jurors for Particular Case
- 2. 36. 150 Challenging of Jurors- -Generally
- 2. 36. 160 Challenging of Jurors- -Peremptory Challenges
- 2. 36. 170 Instructions to Jury
- 2. 36. 180 Plea of Guilty
- 2. 36. 190 Judgment of Acquittal
- 2. 36. 200 Juror Compensation
- 2. 36. 210 Jury Verdict- -Sentence
- 2. 36. 220 Suspended Sentences
- 2. 36. 230 Appeals
- 2. 36. 240 Sentencing - - Stay of Execution
- 2. 36. 250 Parental Responsibility
- 2. 36. 260 Bond - -Bond Forfeiture

2. 36. 010. Definitions

As used in this chapter, the following terms have the following meanings:

- A. "Municipal Court" shall mean a "qualified municipal court of record" as defined under Section 13-10-102(3), C.R.S.
- B. "Municipal Judge" shall mean the judge appointed by the Board of Trustees to preside over municipal court.

(Ord. 342 §1, 1994)

2. 36. 020. Municipal Court Created --Sessions

A municipal court in and for the Town is hereby created and established as a qualified Municipal Court of record as defined in Section 13-10-102(3), C.R.S.

- A. A municipal court shall hear and try all alleged violations of the Ordinances of the Town whether or not incorporated in the Municipal Code.
- B. The court shall hold its sessions at the Town Hall the second Tuesday of each month commencing at 3:00 p.m. and at such other times as fixed by the court.
- C. 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. 342 §1, 1994; Ord. 366 §1, 1996; Ord. 367 §1, 1996)

2. 36. 030. Municipal Judge- -Term- -Power- -Assessment of Court Costs- -Surcharge

- A. At its first regular meeting held after the biennial municipal election, the Board of Trustees shall proceed to appoint the Municipal Judge for the period of two (2) years.
- 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 violation of the Municipal Code, 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.
- 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 thirty dollars (\$30.00) as court costs for each case filed where the defendant is found guilty and/or the defendant pleads guilty.
- D. After determining the appropriate fine for each person who is convicted of violating an Ordinance of the Town, the Municipal Judge shall add thereto a surcharge in the amount of thirty dollars (\$30.00), but under no circumstances shall the total fine assessed including the surcharge exceed one thousand dollars (\$1,000.00) (Ord. 342 §1, 1994; Ord. 349, 1996)

HISTORY

- Original
- Ord. 525, 2021

2. 36. 040. Municipal Judge- -Oath

Prior to entering upon the duties as Municipal Judge, the person so appointed shall take and subscribe an oath of office.

2. 36. 050. Municipal Judge- -Compensation

The Municipal Judge receives as compensation for services a salary which shall be a fixed annual compensation payable on a monthly basis. The specific amount shall be determined by the Board of Trustees by Resolution. (Ord. 342 §1, 1994)

2. 36. 060. Clerk of the Court

The Clerk of the Municipal Court shall be appointed by the Town Administrator and shall have such duties as are delegated by law, court rule, or the presiding Municipal Judge. The Board of Trustees shall provide for the salary of the Municipal Court Clerk by a fixed annual compensation payable on a monthly or bi-weekly basis, as the Board may determine. The Town Administrator may appoint to this position a present Town employee whose compensation may be included by the Board of Trustees within such employee's overall salary payable by the Town. (Ord. 342, Section 1, 1994)

2. 36. 070. Rules of Procedure

A Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Revised Statutes.

2. 36. 080. Right to Trial by Jury

- A. In any action before the Municipal Court in which the defendant is charged with a violation of a Municipal

AULT MUNICIPAL CODE

appear before me at _____, on the _____ day of _____, 20____, who are not of kin to _____, Defendant, to make a jury between the Town of Ault, Colorado, and said Defendant _____, _____, in a plea of not guilty to a charge of the violation of the Municipal Code of the said Town of Ault; 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

(Ord. 342 §1, 1994)

2. 36. 130. 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 is deemed guilty of contempt and fined or imprisoned as the court may direct. (Ord. 342 §1, 1994)

2. 36. 140. 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 as set forth in Section 2. 36. 110 of this chapter, 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. 342 §1, 1994)

2. 36. 150. 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. 342 §1, 1994)

2. 36. 160. 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 (3) peremptory challenges. (Ord. 342 §1, 1994)

2. 36. 170. Instructions to Jury

At the conclusion of all evidence, and before the arguments of counsel, the Municipal Judge shall read to the jury the provisions of the Municipal Code 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 believes the proposed instructions to be proper, he shall read the same to the jury. (Ord. 342 §1, 1994)

2. 36. 180. Plea of Guilty

If any person accused of violating any of the provisions of the Municipal Code of the Town having a right to a trial by jury

shall confess himself 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. 342 §1, 1994)

2. 36. 190. 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. 342 §1, 1994)

2. 36. 200. Juror Compensation

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 of service on the jury panel alone. (Ord. 342, Section 1, 1994)

2. 36. 210. Jury 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 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. 342 §1, 1994)

2. 36. 220. Suspended Sentences

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 (12) period mentioned in this section. (Ord. 342 §1, 1994)

2. 36. 230. Appeals

Appeals from the Municipal Court shall be to the Weld County District Court according to Municipal Court Rules of Procedure and Colorado Revised Statutes for court of record.

2. 36. 240. Sentencing - - Stay of Execution

- A. At the time sentence is imposed, the court may, but need not, grant a defendant a Stay of Execution upon such terms and with such security as the court deems just.
- B. The Municipal Judge shall have the power to assess a fee of twenty-five dollars (\$25.00) for the issuance of the Stay of Execution, unless the fee is waived by the Municipal Judge.
- C. If a Stay of Execution is granted, the defendant shall pay said amounts within the time granted by the Stay of Execution and shall be informed when said Stay of Execution is granted that failure to pay within the time allowed may constitute a contempt of court. The court may order a date for the defendant to return in the event the amounts are not paid in a timely manner, to show cause, if the defendant has any why the defendant should not be held in contempt of court for failure to appear. If the defendant fails to return on the date ordered, a bench warrant may be issued for the arrest of the defendant.

2. 36. 250. Parental Responsibility

- A. Whenever a minor under the age of eighteen (18) years residing or living with his or her parents or guardians is convicted of a violation of a Municipal Code, the parents or guardians of the minor shall appear with the minor on a day and hour specified on the summons issued by a police officer of the Town.
- B. Whenever a minor is convicted of a violation of a Municipal Code for which the court imposes a fine, court costs or fees, the parents or guardians of the minor shall be jointly responsible for the payment of such fine, courts costs and fees.

2. 36. 260. Bond - -Bond Forfeiture

- A. Every person who shall have been arrested for a violation of a Municipal Code shall have the right to be taken before a Municipal Judge and to be admitted to bail on his or her executing a cash surety or recognizance bond conditional that he or she will appear on a day and hour therein mentioned before the Municipal Court. The bond shall be in the amount of two hundred dollars (\$200.00) adjudged sufficient by the Municipal Judge to ensure the appearance of the defendant.
- B. In case a defendant in any case before the Municipal Payments Court shall fail to appear according to the terms, requirements and conditions of his or her bond for appearance, the bond shall automatically be continued.

Chapter 2. 40 Planning Commission

Sections:

- 2. 40. 010 Membership- -Compensation
- 2. 40. 020 Organization- -Adoption of Rules
- 2. 40. 030 Master Plan Development
- 2. 40. 040 Zoning Commission

2. 40. 010. Membership- -Compensation

- A. The Planning Commission, referred to as the "Commission," shall consist of five (5) members. Unless otherwise provided by Ordinance, the membership and terms of members shall be as follows: the Mayor plus one other Board member, and three (3) members appointed by the Mayor from non-members of the Board of Trustees. With respect to the initial appointments: the three (3) non-members shall be appointed - one for one (1) year, one for two (2) years, and one for three (3) years. Thereafter, all terms shall be for six (6) years.
- B. All members of such Commission shall be bona fide residents of the municipality and, if any member ceases to reside in such municipality, his membership on the Commission shall automatically terminate.
- C. All members of the Commission shall serve without compensation and the appointed members shall hold no other municipal office. Members may be removed, after public hearings, by the Mayor for inefficiency, neglect of duty or malfeasance in office. The Mayor shall file a written statement of reasons for such removal. Vacancies occurring other than through expiration of term shall be filled for the remainder of the unexpired term by the Mayor.

(Ord. 216, Section 1, 1976)

2. 40. 020. Organization- -Adoption of Rules

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The Commission shall elect its chairman from among the non-ex officio members and shall create and fill such other of its offices as it may determine. The term of the chairman shall be one (1) year with eligibility for reelection. It shall adopt rules for transaction of business and shall keep a record of its Resolution, transactions, findings, and determinations, which record shall be a public record. (Ord. 216 §2, 1976)

2. 40. 030. Master Plan Development

- A. It is the duty of the Commission to make and adopt a Master Plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the Town Board, which in the Commission's judgment bear relation to the planning of the Town. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Commission's recommendations for the development of said territory including, but not limited to:
1. The general location, character, and extent of streets, bridges, waterways, waterfronts, parkways, playgrounds, square, parks, aviation fields, and other public ways, grounds, and open spaces;
 2. The general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes;
 3. The removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the ways, grounds, open spaces, buildings, property, utility or terminals referred to in this subsection; and
 4. A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.
- B. As the work of making the whole Master Plan progresses, the Commission may, from time to time, adopt and publish a part thereof. Any such part shall cover one (1) or more major sections or divisions of the Town or one (1) or more of the foregoing or other functional matters to be included in the Plan. The Commission may amend, extend, or add to the Plan from time to time.

(Ord. 216, Section 3, 1976)

2. 40. 040. Zoning Commission

In order to avail itself of the powers conferred by this chapter, the Town Board shall appoint a commission, known as the Zoning Commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report. The governing body shall not hold its public hearing or take action until it has received the final report of such Commission. Where a Municipal Planning Commission already exists, it shall be appointed as the Zoning Commission.

(Ord. 216 §4, 1976)

Chapter 2. 44 Public Building Authority

Sections:

- 2. 44. 010 Purpose
- 2. 44. 020 Articles of Incorporation – Approved
- 2. 44. 030 Articles of Incorporation – Filing
- 2. 44. 040 Initial Membership Approved

2. 44. 050 Incurring Indebtedness of Town Prohibited

2. 44. 060 Intent of Provisions

2. 44. 010. Purpose

It is found and determined by the Board of Trustees that the creation of the authority as a non-profit corporation, under and pursuant to the Colorado Non-Profit Corporation Act (the "Act") for the purpose of financing certain obligations on behalf of the Town, is necessary and appropriate for the furtherance of the general welfare, order, and security of the Town and its residents and property owners and in the best interests of the Town. (Ord. 287, Section 1, 1986)

2. 44. 020. Articles of Incorporation – Approved

The Articles of Incorporation, in substantially the form attached as Exhibit A, and on file in the office of the Town Clerk, are in all respects authorized and approved by the Board of Trustees. (Ord. 287 §2, 1986)

2. 44. 030. Articles of Incorporation – Filing

The Mayor of the T and other officers and agents of the Town are authorized and directed to file the Articles of Incorporation, or cause the Articles of Incorporation to be filed, in substantially the form attached to the Ordinance codified in this chapter as Exhibit A (on file in the office of the Town Clerk) with the Secretary of State and to do all such other things and perform such acts as they deem appropriate to cause the authority to be duly incorporated as a nonprofit corporation in accordance with the Act. (Ord. 287 §3, 1986)

2. 44. 040. Initial Membership Approved

The incorporators of the authority and the initial membership of the Board of Directors, as set forth in the Articles of Incorporation for the authority attached to the Ordinance codified in this chapter as Exhibit A (on file in the office of the Town Clerk), are in all respects authorized and approved by the Board of Trustees. (Ord. 287 §4, 1986)

2. 44. 050. Incurring Indebtedness of Town Prohibited

The obligations from time to time issued by the authority shall never constitute the debt or indebtedness of the Town within the meaning of any provision or limitation of the Colorado Constitution, the statutes or laws of the state, and shall not constitute nor give rise to a pecuniary liability of the Town or a charge against its general credit or taxing powers, nor may the Town ever be called upon to pay any of the principal or interest on the obligation from time to time issued by the authority. (Ord, 287 §5, 1986)

2. 44. 060. Intent of Provisions

In authorizing and approving the acts set forth in this chapter, it is the intent of the Board of Trustees to exercise the powers of the Town granted pursuant to the Colorado Constitution and laws of the state. (Ord. 287 §5, 1986)

Chapter 2. 48 Social Security

Sections:

2. 48. 010 Applicability

- 2. 48. 020 Agreement with State
- 2. 48. 030 Procedures
- 2. 48. 040 Source of Contributions

2. 48. 010. Applicability

The Mayor and Town Clerk are authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan or plans, and agreement, required under Section 5 of said enabling Act and the Social Security Act, to extend coverage to employees and officers of the Town, and do all other necessary acts and things necessary or useful to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System. (Prior Code §2-63)

2. 48. 020. Agreement with State

The Mayor and the Town Clerk are authorized to enter into an agreement with the Department of Employment Security, State of Colorado, which agreement shall be in accordance with House Bill No. 291 and with paragraph 218 of the Social Security Act, and such plan and agreement shall provide that the participation of the Town shall be in effect as of January 1, 1951. (Prior Code §2-64)

2. 48. 030. Procedures

The Clerk is authorized to establish a system of payroll deduction to be matched by payments by the Town to be made into the contribution fund of the Social Security Act through the Colorado Department of Labor and Employment, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to the employees of the Town; that such payments are to be made in accordance with the provisions of Section 1400 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act; and that payments made to the Colorado Department of Labor and Employment, State of Colorado, shall be due and payable on or before the 18th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one half of one percent per month until such time as payments are made. (Prior Code §2-65)

2. 48. 040. Source of Contributions

Appropriation is made from the proper fund, or funds, of the Town, in the necessary amount to pay into the contribution fund as provided in Section 3 (c) (1) of the enabling Act and in accordance with the plan, or plans, and agreement. (Prior Code §2-66)

Chapter 2. 50 Disposition And Sale of Town-Owned Property

Sections:

- 2. 50. 010 Surplus Property
- 2. 50. 020 Appraisal Required
- 2. 50. 030 Ordinance Required for Real Property
- 2. 50. 040 Resolution Required for Personal Property
- 2. 50. 050 Bid Not Required
- 2. 50. 060 No Election Required

2. 50. 070 Interest in Sales or Purchases

2. 50. 010. Surplus Property

Whenever the Town owns real property not presently used for municipal purposes, nor projected in the foreseeable future to be used for municipal purposes, such property may be declared by the Board of Trustees to be surplus and be disposed of as hereinafter provided. (Ord. 410, Section 1, 2003)

2. 50. 020. Appraisal Required

Prior to the disposition of any Town-owned real property, appraisal shall be required unless the Board of Trustees finds that due to exigent or other circumstances, an appraisal would not be in the best interest of the Town. An appraisal need not be by an MIA Certified Appraiser but may be made by anyone properly qualified to do appraisals of real property. (Ord. 410, Section 1, 2003)

2. 50. 030. Ordinance Required for Real Property

All dispositions of real property shall only be by Ordinance. All terms, provisions, and conditions of any agreement to transfer or sell real property shall be made public. Such terms, provisions, and conditions of such contract shall be reduced to writing and attached to the Ordinance approving such sale or transfer. (Ord. 410, Section 1, 2003)

2. 50. 040. Resolution Required for Personal Property

Except as provided in Section 3.26.040 of this Code, all dispositions of personal property shall only be by Resolution. The terms of such disposition shall be made public by inclusion in the Resolution. (Ord. 410, Section 1, 2003)

2. 50. 050. Bid Not Required

If the Board of Trustees find that a publicly advertised bid is not in the best interest of the Town, public bids on property to be sold by the Town shall not be required. (Ord. 410, Section 1, 2003)

2. 50. 060. No Election Required

Unless the Board of Trustees finds that it would be in the best interest of the citizens of the Town or unless a petition or referendum is properly presented or state law requires an election, no election approving the sale or disposition of real property shall be required except property dedicated for park purposes, the disposition of which is restricted by state law. (Ord. 410, Section 1, 2003)

2. 50. 070. Interest in Sales or Purchases

Public officers and local governmental officials shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity. (Ord. 410, Section 1, 2003)

Chapter 2. 52 Ethics Code

Sections:

- 2. 52. 010 Declaration of Policy
- 2. 52. 020 Definitions
- 2. 52. 030 Code of Ethics
- 2. 52. 040 Disclosure and Resolution of Conflict
- 2. 52. 050 Violations – Penalty

2. 52. 010. Declaration of Policy

The proper operation of government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the governmental 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 ethics for all Town officials and employees is adopted. The purpose of this Code is to establish guidelines for standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town, and by imposing sanctions upon public officers or employees who violate the provisions of this Chapter. (Ord. 434, Section 1, 2007)

2. 52. 020. Definitions

As used in this title, the following words shall have the following meanings:

- A. "Business Entity" means any corporation, limited liability company, sole proprietorship, firm, partnership representation, association, venture, trust, or corporation for profit.
- B. "Contract" means any express or implied agreement which creates, modifies, or terminates a particular relationship with the Town, and shall include the designation of a depository for public funds.
- C. "Relative" means any person related to any public officer/employee by blood or marriage to include, but not limited to, parents, spouses, children, brothers and sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law, and a divorce or separation between spouses shall not be deemed to terminate any such relationship.
- D. "Interest" means a pecuniary or valuable benefit accruing to a public officer or employee, individually, as a result of a contract or transaction which is, or may be, the subject of an official act or action by or with the Town, except for such contracts or transactions which, by their terms and by the substance of their provisions, confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated.
 - 1. For the purposes of this chapter, a public officer or employee shall be deemed to have an interest in the affairs of:
 - a. Any relative;
 - b. Any person or business entity with whom a contractual relationship exists with the public officer or employee;
 - c. Any business entity in which the public officer or employee is an officer, director, owner, employee, or investor;
 - d. Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total legal and beneficial ownership, is controlled by or owned by the public

officer or employee.

- E. "Official Action" means any legislative, administrative, or appointive act of any officer or employee of the Town, or any agency, Board, Committee, or Commission thereof.
- F. "Public Officer or Employee" means any person holding a position by election, appointment, or employment in the service of the Town, whether paid or unpaid.
- G. "Gift" shall mean the transfer of a thing of value by one (1) person to another person without the person transferring the thing of value receiving, in return, lawful compensation or consideration of equal or greater value from the person receiving the thing of value. However, a "gift" shall not mean anything of value given to a person by a local, state, or the federal government as authorized by law.
- H. "Thing of Value" shall mean any tangible or intangible thing having a market value, including, without limitation, money, real property, personal property, services, loans of money or property, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, travel, lodging, meals, and the forbearance and forgiveness of debt.

(Ord. 434, Section 1, 2007)

2. 52. 030. Code of Ethics

The following requirements shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the Town:

- A. No public officer or employee having the power or duty to perform an official act related to a contract or transaction which is the subject of an official act or action of the Town shall:
 - 1. Have or thereafter acquire an interest in such contract or transaction unless said contract or transaction resulted from the proper bid process for the Town;
 - 2. Have a direct financial interest in any business entity representing, advising, or appearing on behalf of any person involved in such contract or transaction with the Town;
 - 3. Have solicited or accepted present or future employment with a person or business entity who is the principal party seeking to contract or transact business with the Town, or;
- B. Unless permitted under Subsection C below, no public officer or employee shall solicit or accept any gift from any person either directly or indirectly to the public officer, employee, spouse, or dependent child, which gift the public officer or employee knows or which a reasonable person in that person's position should know, under circumstances is either:
 - 1. A gift that would tend to improperly influence that public officer or employee to depart from the faithful and impartial discharge of his or her public duties; or
 - 2. A gift being solicited or given for the primary purpose of rewarding the public officer or employee for an official action he or she has taken.
- C. The gift provisions of Subsection B above shall not apply to public officers or employees with respect to the following permitted gifts:
 - 1. Campaign contributions as authorized by law;
 - 2. A non-monetary award, publicly presented, in recognition of public service;
 - 3. Gifts similarly available to the general public;
 - 4. Educational scholarships and grants available to members of the general public similarly situated;

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5. Grants and services provided for medical, respite, or hospice care or other social welfare needs available to members of the general public similarly situated;
 6. An occasional, unsolicited gift having a fair market value of fifty dollars (\$50.00) or less;
 7. Unsolicited informational material, publications, or subscriptions related to the public official's performance of his or her official duties;
 8. An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 9. Payment of or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar, or other meeting at which the public official or employee is scheduled to participate as a representative of the Town or to attend as part of his or her official duties;
 10. An occasional, unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the public official or employee's attendance would not be considered extraordinary when viewed in light of the position held by the public official or employee;
 11. Payment received by a Board member for a speech, appearance, or publication required to be reported by the Board member pursuant to C.R.S., Section 24-6-203;
 12. Gifts received by a Board member or a Board and Commission member arising from his or her employment and that is unrelated to his or her official Town duties; and
 13. Gifts received by an employee from the Town as authorized in the Town's personnel rules and regulations, and any gifts received by an employee arising from his or her non-town employment and that is unrelated to his or her official Town duties.
- D. No public official or employee shall attempt to influence the hiring, rate of pay, or appointment of any relative by the Town.
- E. No relative shall be hired into any position unless proper notification and advertisement has been made to ensure all potential applicants receive an equal opportunity for employment.
- F. No public officer or employee, with respect to any contract or transaction which is or may be the subject of an official act or action of the Town, shall personally acquire an interest in any property which may be affected by such action nor disclose any confidential information concerning a contract or transaction which may involve the Town for the purpose of advancing any private interest.
- G. No public employee shall engage in or accept private employment or render service for private interests when such employment or service would tend to impair his independence of judgment or action in the performance of his official duties
- H. No public official shall engage in or accept private employment or render service for private interests, when such employment or service would tend to impair his independence of judgment or action in the performance of his official duties, unless such official disclosed the conflict for the public record and abstains from voting on such issue. Furthermore, the official shall remove himself from the room where such discussion and voting place.
- I. No public officer or employee shall appear on behalf of any person, other than to address issues that directly affect himself, or an immediate family member (his spouse, minor children, parents, or grandparents) before any Town agency or Board or Commission, etc. However, a member of the Board of Trustees may appear before any governmental agency on behalf of his constituents in the course of his duties as a representative in the performance of his public or civic obligations as an elected official.
- J. No public officer or employee who, in his capacity as such officer or employee, participates in the making of a

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contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the Town unless the contract is awarded through proper bid process.

- K. No public officer shall request or permit the unauthorized use of any Town owned vehicles, equipment, personnel, materials, or property for personal convenience or profit, except that nothing in this section shall limit otherwise authorized use of police vehicles by off-duty officers.
- L. No public officer or employee shall request or grant a special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen in similar circumstances or need.
- M. A public official or employee shall not, at any time within two (2) years after his termination from his position with the Town, represent anyone other than himself or an immediate family member (his spouse, minor children, parents or grandparents) before any board, commission, committee, or agency of the Town in relation to or with respect to any matter in which he has "inside information," i.e. he was directly involved in the review, acceptance, policy formation, or administration of such matter while a Town official or employee.
- N. At any meeting or gathering of three (3) or more members of the Board of Trustees or any appointed Board of the Town, the Board members shall not discuss any public business, nor shall matters pertaining to public business be presented unless such meeting is open to the general public and prior notice for such meeting has been given.
- O. While public officers and employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their postings shall not violate existing Town by-laws, policies, directives, rules or regulations. Not all speech in such forums is protected; therefore, public officers and employees should exercise caution with respect to comments they post, particularly those concerning the Town and the business of the Town. With respect to their postings on any electronic forum, website, blog, microblog, social networking site and other forms of social media, public officers and employees shall:
 - 1. Not reveal confidential or privileged information about the Town; its Board, staff and employees; its constituents; or its contractors;
 - 2. Not post information or rumors they know to be false about the Town, its employees, constituents, officials, suppliers, vendors, contractors or any other entities or individuals;
 - 3. Not post a comment that suggests a likelihood of favorable or unfavorable treatment toward any individual or group of individuals (e.g., based upon race, gender, national origin, etc.);
 - 4. Not represent themselves as a spokesperson for the Town, their board or committee unless authorized to do so; and
 - 5. Notify the reader that the posting is of their personal views only and does not represent those of the Town, its Board, town officials or town employees.

(Ord. 434, Section 1, 2007)

2. 52. 040. Disclosure and Resolution of Conflict

A public officer or employee shall remove himself from any conflict as follows:

- A. Any elected or appointed public official or employee who has an interest in any proposed action before the Board of Trustees or a board or commission of which the public official or employee is a member shall immediately disclose the nature and extent of such interest, which such disclosure shall be a matter of public record.

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- B. The public official or employee shall not participate in the discussion or debate, nor vote on the proposed action before the Board of Trustees, other Board or Commission.
- C. Said public official or employee shall not participate in any discussion on the proposed action.

(Ord. 434, Section 1, 2007)

2. 52. 050. Violations - Penalty

Any Board member who violates any of the provisions of this Code shall be subject to the following penalties:

- A. In all cases, the determination of the Board of Trustees as to whether there has been a violation shall be final.
- B. In the case of a Board member, if a violation is established to the satisfaction of at least five (5) members of the Board, such violation shall be grounds for an official reprimand by the Board of Trustees.
- C. For a person who is not in an elected position, if a violation is established by a majority of the entire Board of Trustees, such violation shall be grounds for termination of such person's appointment to any board or commission of which he is a member. If the Board of Trustees votes to terminate the appointment of a board or commission member upon such grounds, the Board of Trustees may appoint another person to fulfill the term of the individual removed from office.

(Ord. 434, Section 1, 2007)

Title 3 - Revenue and Finance

Chapters:

- 3. 04 Sales Tax
- 3. 08 Use Tax
- 3. 12 Telephone Utilities Tax
- 3. 16 Industrial Development Revenue Bonds
- 3. 20 Auditors
- 3. 24 Disposition of Unclaimed Property
- 3. 25 Special Accounts
- 3. 26 Purchasing and Competitive Bidding

Chapter 3. 04 Sales Tax

Sections:

- 3. 04. 010 Purpose of Provisions
- 3. 04. 020 Definitions
- 3. 04. 030 Rate
- 3. 04. 040 Credit for Payments to Other Municipalities
- 3. 04. 050 General Provisions- -Exemptions
- 3. 04. 060 Licensing Requirements
- 3. 04. 070 Collection, Administration and Enforcement
- 3. 04. 080 Election and Amendment

3. 04. 010. Purpose of Provisions

The purpose of this chapter is to impose a sales tax on the privilege of selling tangible personal property at retail, or the furnishing of services, upon every provider in the Town.

(Ord. 218 §1, 1976)

3. 04. 020. Definitions

For the purposes of this chapter, the definitions of the words contained in this chapter are defined in Article 26, Title 39, C.R.S., 1973, and said definitions are incorporated in this section by this reference.

(Ord. 218 §2, 1976)

3. 04. 030. Rate

There is imposed on all sales of tangible personal property at retail, and the furnishing of services, a tax equal to three percent (3%) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate Ordinance of the Town.

(Ord. 218 §5, 1976)

3. 04. 040. Credit for Payments to Other Municipalities

The Town's sales tax shall not 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 municipality equal to or in excess of three percent (3%). A credit shall be granted against the Town's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule municipality. The amount of the credit shall not exceed three percent (3%).

(Ord. 281, §3, 1985; Ord. 414, 2004)

3. 04. 050. General Provisions- -Exemptions

- A. For the purpose of collection, administration and enforcement of this chapter by the Director of Revenue, the provisions of Article 26, Title 39, C.R.S., 1973, shall be deemed applicable and incorporated into this chapter.
- B. The amount subject to tax under this chapter shall not include the state sales and use tax imposed by Article 26, Title 39, C.R.S., 1973.
- C. For the purposes of this chapter, all retail sales shall be considered 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 common carrier for side limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.
- D. 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, Title 39, C.R.S., 1973, regardless of the places to which delivery is made.
- E. In the event a retailer has no permanent place of business in the Town, or more than one (1) place of business, the place or places at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of Article 26, Title 39, C.R.S., 1973, and the rules and regulations promulgated by the Department of Revenue.
- F. The tangible personal property and services taxable pursuant to this chapter shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., 1973, and subject to the same exemptions as those specified in Section 39-26-114, C.R.S., 1973.
- G. All sales personal property on which a specific ownership tax has been paid or is payable shall be exempt from said Town sales tax when such sales meet both of the following conditions:
 - 1. The purchaser is a nonresident of or has his principal place of business outside of the local taxing entity; and
 - 2. Such personal property is registered or required to be registered outside the limits of the local taxing entity under the laws of this state.
- H. For transactions consummated on or after January 1, 1986, the Town's tax shall not apply to the sale of construction and building materials, as the term is used in C.R.S. 29-2-109 if such materials are picked up by the purchaser with documentation acceptable to the Town (Form A, affixed to the Ordinance codified in this section, on file in the office of the Town Clerk) evidencing that a local use tax has been paid or is required to be paid.

(Ord. 281 §1, 1985; 218 §4, 1976)

3. 04. 060. Licensing Requirements

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- A. It is unlawful for any person to engage in the business of selling tangible personal property at retail without first having obtained a license therefore. Such license shall be granted and issued by the Town Clerk and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked.
- B. Such license shall be granted and renewed only upon application stating the name and address of the person desiring such a license, the name of such business and the location and such other facts as the Town Clerk may require.
- C. It shall be the duty of each licensee on or before January 1st of each year during which this chapter remains in effect to obtain a renewal thereof if the licensee remains in the retail business or liable to account for the tax provided in this chapter, 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.
- D. In case business is transacted at one (1) or more separate premises by one (1) person a separate license for each place of business shall be required.
- E. Any person engaged in the business of selling tangible personal property at retail or the furnishing of services in the Town, without having secured a license therefore, except as specifically provided in this chapter, is guilty of a violation of this chapter.
- F. Each license shall be numbered and shall show the name, residence, place and character of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued.
- G. No license shall be transferable.
- H. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this chapter.
- I. The Town Clerk shall charge and receive a fee determined by Resolution of the Board for the initial issuance and for each renewal of such license.
- J. This section and all Municipal Code provisions for collection of sales tax shall not apply to any person under the age of 18 who is selling crafts, baked goods, farm produce, art in public not more than three days per week and not more than thirty-days per year.

(Ord. 299 Section 1, 1987; Ord. 281 §1, 1985; 218 §4, 1976)

HISTORY

- Original
- Ord. 532, Section 1, 2021

3. 04. 070. Collection, Administration and Enforcement

The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue of the state in the same manner as the collection, administration and enforcement of the state sales tax. The provisions of Article 26, Title 39, CRS 1973, and all rules and regulations promulgated by the Director of Revenue shall govern the collection, administration and enforcement of the sales tax imposed by this chapter.

(Ord. 218 §5, 1976)

3. 04. 080. Election and Amendment

- A. Before any change to this sales tax becomes effective, it shall receive the approval of a majority of the qualified electors of the Town, at an election to be held in accordance with the requirements for a general or special

municipal election.

- B. The Board of Trustees may amend, alter, or change this chapter, except as to the three percent (3%) rate of tax imposed in this chapter, subsequent to adoption by a majority of the Board of Trustees. Such amendment, alteration, or change need not be submitted to the electors of the Town for their approval.

(Ord. 218 §6, 1976)

Chapter 3. 08 Use Tax

Sections:

- 3. 08. 010 Purpose of Provisions
- 3. 08. 020 Definitions
- 3. 08. 030 Rate
- 3. 08. 040 Applicability- -Scope
- 3. 08. 050 Exemptions
- 3. 08. 060 Collection, Administration and Enforcement
- 3. 08. 070 Construction and Building Materials
- 3. 08. 080 Alternative Dispute Resolution Procedure- -Deficiency Notice or Claim for Refund
- 3. 08. 090 Violation- -Penalty
- 3. 08. 100 Election- -Amendment

3. 08. 010. Purpose of Provisions

The purpose of this chapter is to impose a use tax on the privilege of storing, using, or consuming in the Town any construction and building materials and motor and other vehicles on which registration is required, purchased at retail.

(Ord. 225 §1, 1978)

3. 08. 020. Definitions

For the purpose of this chapter the definitions of words contained in this chapter are defined in Article 26, Title 39, CRS 1973, and said definitions are incorporated in this section by the reference.

(Ord. 225 §2, 1978)

3. 08. 030. Rate

There is imposed on the privilege of storing, using, or consuming in the Town any construction and building materials and motor and other vehicles on which registration is required, purchased from sources outside the Town and brought into the Town where it is to be stored, used, or consumed, a tax equal to three percent (3%) of the purchase price.

3. 08. 040. Applicability- -Scope

- A. Nature of Town Use Tax. The use tax shall be imposed for the privilege of storing, using, or consuming any construction and building materials and motor and other vehicles on which registration is required, purchased

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from sources outside the Town and brought into the Town where it is to be stored, used or consumed.

- B. Motor Vehicles and Trailers. Any resident of the Town who purchases a motor vehicle, trailer, or semitrailer, or any other vehicle on which registration is required, whether new or used, outside the Town for use within the Town, must upon registration of the vehicle in Weld County, pay a use tax which shall be imposed upon the purchase price minus the trade-in value, if any, of any vehicle traded in. Any resident who registers a vehicle at any address other than his principal residence or place of business within the Town for the purpose of evading the use tax shall be considered in violation of this chapter.
- C. Construction and Building Materials. Any person who shall build, construct, reconstruct, alter, expand, modify or improve any building, dwelling, or other structure or improvement to real property within the Town and who purchases the lumber, fixtures, or any other building materials and supplies used therefore from any source outside the corporate limits of the Town, or any person who stores such materials within the Town, shall pay a use tax which shall be imposed upon the purchase price thereon.
- D. Provisions Applicable. For the purpose of collection, administration and enforcement of this chapter by the Director of Revenue, the provisions of Article 26 of Title 39, CRS 1973, shall be deemed applicable and incorporated into this chapter.
- E. Amount Subject to Tax. The amount subject to tax under this chapter shall not include the state sales and use tax imposed by Article 26, Title 39, CRS 1973.

(Ord. 225 §3(part), 1978)

3. 08. 050. Exemptions

For the purpose of this chapter, the use tax shall not apply to the following:

- A. The storage, use, or consumption of any tangible personal property of the sale of which is subject to a retail sales tax imposed by the Town;
- B. The storage, use, consumption of tangible personal property purchased for resale in the Town, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;
- C. The storage, use, or consumption of tangible personal property brought into the Town by a nonresident 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 the state by a nonresident to be used in the conduct of a business of the state;
- D. The storage, use, consumption of tangible personal property by the United States Government or the State, or its institutions or political subdivisions, in their governmental capacities only by religious or charitable corporations in the conduct of their regular religious or charitable functions;
- E. The storage, use and consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, 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;
- F. For transactions consummated on or after January 1, 1986, the Town's use tax shall not apply 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 or use tax of another statutory or home rule municipality equal to or in excess of three

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percent (3%). A credit shall be granted against the Town's use tax with respect to a person's storage, use or consumption in the Town of tangible personal property purchased by him in a previous statutory or home rule municipality. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule municipality on his purchase or use of the property. The amount of the credit shall not exceed three percent (3%);

- G. The storage, use, or consumption of tangible personal property and household effects acquired outside of the Town and brought into it by a nonresident acquiring residency;
- H. The storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the Town and he purchased the vehicle outside of the Town for substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of the Town;
- I. 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;
- J. The storage, use or 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 the Ordinance codified in this chapter.
- K. For transactions consummated on or after January 1, 1986, the Town's use tax shall not apply to the storage of construction and building materials.

(Ord. 281 §2, 4, 1985; Ord. 225 §3, 1978; Ord. 414, 2004)

3.08.060. Collection, Administration and Enforcement

- A. The collection, administration, and enforcement of the sales use tax shall be performed by the Director of Revenue of the state in the same manner as the collection, administration, and enforcement of the state sales tax.
- B. The collection, administration and enforcement of the vehicle use tax shall be performed by the county.
- C. The collection, administration, and enforcement of the building use tax shall be performed by the Town of Ault.
- D. The provisions of Article 26, Title 39, C.R.S. 1973, and all rules and regulations promulgated by the Director of Revenue shall govern the collection, administration,, and enforcement of the use tax imposed upon motor and other vehicles on which registration is required by this chapter.

(Ord. 225, §5, 1978)

3.08.070. Construction and Building Materials

- A. Filing Return with Town Clerk. Any person subject to this chapter as provided in 3.08.040C of this chapter shall keep and preserve all invoices and statements showing such purchases and shall, on or before the fifteenth day of each succeeding month following the commencement of such construction, file return (Exhibit A, attached to the Ordinance codified in this chapter and on file in the office of the Town Clerk) with the Clerk the full amount of the use tax due thereon as provided by this chapter, for the preceding month or months. Any failure to preserve such statements and invoices and to make such return and payment of this tax shall be deemed a violation of this chapter, and any person so offending shall be subject to the penalties and punishment provided in this chapter. It is the duty of the contractor and subcontractors who are hired to do the above stated work, or any portion thereof, to furnish the Town Clerk such information as she may require as to the purchase of lumber, fixtures or any other

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building materials and supplies for such work which obtain from sources outside the corporate limits of the Town. Any person subject to the terms of this chapter may opt to pay three percent (3%) of half the total valuation of labor and materials for the construction job. In this event no additional documentation will be required.

- B. Examination of Returns- -Refunds, Credits, and Deficiencies. As soon as practicable after the return is filed, the Town Clerk may examine it. If it then appears that the correct amount of tax to be remitted is greater or less than that shown in the return, the tax shall be recomputed by the Clerk. If the amount paid exceeds that which is due, the excess shall be refunded or credited against any subsequent remittance from the same person. If the amount paid is less than the amount due, the difference together with interest thereon at the rate of one-half of one percent per month from the time the return was due, shall be paid by the taxpayer within ten (10) days after written notice and demand to him from the Town Clerk.
- C. Penalty for Deficiencies Caused by Disregard of Rules. If any part of the deficiency is due to negligence, but without intent to defraud, there shall be added ten percent (10%) of the total amount deficiency from the time the addition becomes due and payable within ten (10) days after written notice and demand by the Town Clerk.
- D. Penalties for Deficiency Caused by Fraud. If any part of the deficiency is due to the intent by the taxpayer to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency, and in such case the whole amount of the tax unpaid, including the additions, shall become due and payable ten (10) days after written notice and demand by the Town Clerk, and an additional one percent (1%) per month on said amounts shall be added from the date the return was due until paid.
- E. No Final Inspection or Certificate of Occupancy Unless Use Tax Paid. The Town Clerk shall request of Safebuilt, Colorado Inc. (Safebuilt) building inspector that no final inspection be made by the Safebuilt building inspector, or no certificate of occupancy be issued, unless all taxes due as provided in this chapter on all lumber, fixtures, and any other building materials and supplies used in or connected with the construction, reconstruction, alteration, expansion, modification or improvement of any building, dwelling, or other structure or improvement to real property within the Town have been paid or arrangement therefore made with the Town Clerk.
- F. Unpaid Tax Lien on Real Property. The full amount of any tax due and not paid for lumber, fixtures or any other building materials and supplies purchased from outside sources, together with penalties and interest thereon as provided in this chapter shall be and constitute a lien upon the real property benefited by such work, and the Town Clerk is authorized to file a notice of such lien with the County Clerk and Recorder.

(Ord. 225 §5, 1978)

3. 08. 080. Alternative Dispute Resolution Procedure- -Deficiency Notice or Claim for Refund

For transactions consummated on or after January 1, 1986, the taxpayer may elect a state hearing on the Board of Trustees final decision on a deficiency set forth in this section.

- A. As used in this section, "state hearing" means a hearing before the Executive Director of the Department of Revenue or delegate thereof as provided in CRS 29-2-106.1(3).
- B. When the Town asserts that use taxes are due from a citizen or other individual subject to its jurisdiction in an amount greater than the amount paid by a taxpayer, the Town shall mail a deficiency notice to the taxpayer by certified mail. The deficiency notice shall state the additional use taxes due. The deficiency shall contain notification, in clear and conspicuous type, that the taxpayer has the right to elect a state hearing on the deficiency pursuant to CRS 29-2-106-1(3). The taxpayer shall also have the right to elect a state hearing on the

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Town's denial of such taxpayer's claim for a refund of use tax paid.

- C. The taxpayer shall request the state hearing within thirty (30) days after the taxpayer's exhaustion of local remedies. The taxpayer shall have no right to such hearing if he has not exhausted local remedies or if he fails to request such hearing within the time period provided for in this subsection. "Exhaustion of local remedies" means:
1. The taxpayer has, within fourteen (14) days after receiving a deficiency notice, requested in writing a hearing before the Town and such Town has held such hearing and issued a final decision thereon. The hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in such case the Town may submit a brief. The Town shall hold such hearing and issue the final decision thereon within ninety (90) days after the Town's receipt of the taxpayer's written request therefore, except the Town may extend such period if the delay in holding the hearing or issuing the decision thereon was occasioned by the taxpayer, but, in any such event, the Town shall hold such hearing and issue the decision thereon within one hundred eighty (180) days of the taxpayer's request in writing therefore; or
 2. The taxpayer has timely requested in writing a hearing before the Town and the Town has failed to hold such hearing or has failed to issue a final decision thereon within the time periods prescribed in this subsection.
- D. If a taxpayer has exhausted his local remedies as provided in Subsection C of this section, the taxpayer may request a state hearing on such deficiency notice or claim for refund, and such request shall be made and such hearing shall be conducted in the same manner as set forth in CRS 29-2-106.1(3--7).
- E. If the deficiency notice or claim for refund involves only the Town, in lieu of requesting a state hearing, the taxpayer may appeal such deficiency notice or denial of a claim for refund to the District Court of the County as provided in CRS 29-2-106.1(8), provided the taxpayer complies with the procedure set forth in Subsection C of this section.
- F. If the Town reasonably finds that the collection of use tax will be jeopardized by delay, the Town may utilize the procedures set forth in CRS 39-21-111.

(Ord. 281 §5, 1978)

3. 08. 090. Violation- -Penalty

- A. Any person who violates any of the provisions of this chapter is guilty of a violation thereof and shall be punished by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed ninety (90) days.
- B. Each and every twenty-four (24) continuation of any violation shall constitute a distinct and separate offense.

(Ord. 225 §6, 1978)

3. 08. 100. Election- -Amendment

- A. Before this chapter becomes effective, it shall receive the approval of a majority of the qualified electors of the Town at an election to be held April 4, 1978.
- B. The Board of Trustees may amend, alter or change this chapter, except as to the three-percent (3%) rate of tax imposed in this chapter, subsequent to adoption by a majority of the Board of Trustees. Such amendment, alteration or change need not be submitted to the electors of the Town for their approval.

(Ord. 225 §7, 1978)

Chapter 3. 12 Telephone Utilities Tax

Sections:

- 3. 12. 010 Purpose
- 3. 12. 020 Imposed- -Rate
- 3. 12. 030 Payment Due When
- 3. 12. 040 Filing of Statement
- 3. 12. 050 Failure to Pay- -Penalty
- 3. 12. 060 Inspection of Records
- 3. 12. 070 Tax in Lieu of Other Taxes or Services
- 3. 12. 080 Violation- -Penalty
- 3. 12. 090 Effect on Penalties Previously Imposed

3. 12. 010. Purpose

The tax provided in this chapter is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to local interstate commerce. It is expressly understood that none of the terms of this chapter are construed to mean that any telephone utility company is issued a franchise by the Town.

(Ord. 242 §7, 1980)

3. 12. 020. Imposed- -Rate

There is levied on and against each telephone utility company operating within the Town a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the Town, and of supplying local exchange telephone service to the inhabitants of the Town. The amount of the tax levied hereby shall be:

- A. For the portion of 1980 remaining after the date on which the tax begins to accrue as provided in Section 3. 12. 030 of this chapter, eighty-four cents (\$.84) per telephone account for which local exchange telephone service is provided within the corporate limits of the Town, on October 1; and
- B. For each subsequent calendar year, three dollars and thirty-five cents (\$3.35) per telephone account for which local exchange telephone service is provided within the corporate limits of the Town, on January 1, 1981 on which the tax begins to accrue as provided in Section 3. 12. 030 of this chapter.

(Ord. 242 §1, 1980)

3. 12. 030. Payment Due When

The tax levied by this chapter shall begin to accrue on the first day of October, 1980, and shall be due and payable in three (3) equal monthly installments for the remaining portion of 1980, and in twelve (12) equal monthly installments for years subsequent to 1980, each installment to be paid on the last business day of each calendar month.

(Ord. 242 §2, 1980)

3.12.040. Filing of Statement

Within thirty (30) days after the date on which the tax begins to accrue, as provided in Section 3.12.030 of this chapter, each telephone utility company subject to this chapter shall file with the Town Clerk, in such form as the Clerk may require, a statement showing the total telephone accounts for which local exchange telephone service was provided within the corporate limits of the Town on said date. Such statement shall be filed within thirty (30) days after each anniversary of the date on which the tax begins to accrue, showing such accounts on the anniversary date.

(Ord. 242 §3, 1980)

3.12.050. Failure to Pay- -Penalty

If any telephone utility company subject to the provisions of this chapter fails to pay the taxes as provided in this chapter, the full amount thereof shall be due and collected from such company, and the same together with an addition of ten percent (10%) of the amount of taxes due shall be and is declared to be a debt due and owing from such company to the Town. The Town Attorney upon direction of the Board of Trustees shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the said debt.

(Ord. 242 §4, 1980)

3.12.060. Inspection of Records

The Town, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the telephone utility companies which are subject to the provisions of this chapter and to make copies of the entries or contents thereof.

(Ord. 242 §6, 1980)

3.12.070. Tax in Lieu of Other Taxes or Services

The tax provided in this chapter shall be in lieu of all other occupation taxes or taxes on the privilege of doing business in the Town on any telephone utility company subject to the provisions of this chapter and in addition shall be in lieu of any free service furnished to the Town by any said telephone utility.

(Ord. 242 §8, 1980)

3.12.080. Violation- -Penalty

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this chapter fails, neglects, refuses to make or file the annual statement of accounts provided in Section 3.12.040 of this chapter, the said officer, agent, manager, or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars (\$25.00); provided, that each day after said statement becomes delinquent during which the said officer, agent, manager or person so fails, neglects, or refuses to make and file such statement shall be considered a separate and distinct offense.

(Ord. 242 §5, 1980)

3.12.090. Effect on Penalties Previously Imposed

All offenses committed and all liabilities incurred prior to the effective date of the Ordinance codified in this chapter shall be treated as though all prior applicable Ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. All taxes, the liability for which has been accrued under the terms and provisions of Ordinance 113 on or before the effective date of the Ordinance codified in this chapter, shall be and remain unconditionally due and payable, and shall constitute a debt to the Town, payable in conformity with the terms and provisions of said Ordinance 113 prior to the adoption of the Ordinance codified in this chapter; and all of said terms and provisions of Ordinance 113 shall be and remain in full force and effect for the purpose of collection and payment of any and all such taxes due and payable thereunder, notwithstanding the provisions of this chapter.

(Ord. 242 §9, 1980)

Chapter 3.16 Industrial Development Revenue Bonds

Sections:

3.16.010 Policy

3.16.020 Approval Prerequisites

3.16.030 Procedures

3.16.010. Policy

- A. The Town desires to maintain the strength and vitality of its economic base, create jobs for its citizens and ensure that quality and development occur in accordance with the goals and objectives of the Town's comprehensive plan. To achieve this purpose, Ault recognizes the need to coordinate and cooperate with the private sector in joint efforts. A principal effort, pursuant to the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Part 1, of the Colorado Revised Statutes 1973, as amended, is the issuance of Industrial Development Revenue Bonds (IDRB). Guidelines set forth in this chapter are not intended as minimum requirements and each application will be considered on its individual merits.
- B. In furtherance of the policy set forth in this section, the Town declares its intention to require payments in lieu of ad valorem real estate taxes on any project in the same amount and manner as if the ownership of the real estate remained in private hands rather than in the ownership of the Town.

(Ord. 256 §1, 1982)

3.16.020. Approval Prerequisites

The prime requirement for the approval of an IDRB proposal shall be that the Town receives a demonstrated benefit involving one (1) or more of the following:

- A. Creation of additional jobs in Ault;
- B. Increase of tax base and sales tax resulting in a net fiscal benefit to the Town;
- C. Stimulation of additional business investment;

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- D. Provide facilities or benefits to Ault citizens for economic, recreational, cultural or health purposes in a manner that complements the Town's own program or facilities;
- E. Carrying out stated goals and objectives of Ault's Comprehensive Plan;
- F. The property on which the facility is planned to be located must lie within the corporate limits of the Town or be annexable within one (1) year. The burden of annexation is placed on the applicant and agreements approved before the bond ordinance is passed;
- G. The applicant must indemnify the Town against any and all law suits or liability incurred during the review process and throughout life of the bonds.

(Ord. 256 §2, 1982)

3.16.030. Procedures

Applicants for IDRB issues must clearly demonstrate financial responsibility sufficient to amortize the proposed bond issue. Proposal for issuance of the IDRB shall be made by submitting an application with the information prescribed by the Exhibit A, attached to the Ordinance codified in this chapter and on file in the office of the Town Clerk, as it shall be amended from time to time, and by filing such application at the Town Hall. Applicants shall submit evidence that the proposed bond issue can be sold through an acceptable underwriter or to an experienced investor or groups of investors.

- A. Review. Within thirty (30) working days after a complete application has been filed, the Planning Commission will make a written report of its recommendation. The Commission may request the Town Attorney or the Town Treasurer to submit their recommendations, and may seek other advice regarding the application.
- B. Inducement Resolution. As soon as practicable after a favorable recommendation, an inducement resolution will be placed on the agenda of the Board of Trustees for action. The Town and the applicant shall have agreed mutually to acceptable terms for the bonds and the form of the financing documents before a bond ordinance is passed. The inducement resolution is not building until the aforesaid mutual terms are agreed upon.
- C. Bond Ordinance. The bond ordinance shall be filed at the office of the Town Clerk at least fourteen (14) days prior to the date it is to be introduced at a meeting of the Board of Trustees. Copies of such bond ordinance shall be mailed to the Board of Trustees.
- D. Fees and Reimbursement of Expenses.
 - 1. The application for the issuance of IDRB's shall be accompanied by a nonrefundable application fee to be determined by Resolution of the Board.
 - 2. Out of the bond proceeds the Town will receive a fee equal to 0.125% of a requested bond issue, but not less than one thousand dollars (\$1,000.00) and no more than twelve-thousand five hundred dollars (\$12,500.00).
 - 3. The applicant must agree that in the event the bonds are not sold will reimburse the Town for all direct, extraordinary and out-of-pocket expenses.
- E. Miscellaneous Provisions.
 - 1. The plans for any project proposed under this chapter shall be in strict compliance with the appropriate zoning and subdivision regulations and building code prior to issuance of any IDRB's under this chapter.
 - 2. The proposed project plans shall be reviewed and analyzed by the Town to determine necessary off-site capital improvements including, but not limited to, streets, curbs, gutters, sidewalks, utility easements, water and sewer lines and traffic-control devices.

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3. The Town reserves the right to deny any application made under this chapter, and it shall be in the Board of Trustee's sole discretion as to whether any application meets the criteria established hereunder and whether the issuance of IDRB's hereunder should be granted in the final analysis.
4. Market analysis and feasibility of the facility or program will be considered and addressed in approving an IDRB issue.
5. All IDRB issues must comply with applicable Internal Revenue Service regulations.
6. The Town reserves the right to approve the selection of bond counsel, underwriters and financial consultants for the bond issue.

(Ord. 256 §3, 1982)

Chapter 3. 20 Auditors

Sections:

3. 20. 010 Appointment- -Contract

3. 20. 010. Appointment- -Contract

The Board of Trustees shall appoint a Municipal Auditor not less than annually, and shall contract with such auditor for all auditing services required by law. The Auditor shall receive as compensation for his services a sum to be fixed by contract between the Board and the person to be appointed. The Auditor shall not be considered to be an employee of the Town but shall be considered an independent contractor.

(Prior Code, Section 2-56)

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 Effective Date

3. 24. 010. Purpose

The purpose of this chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the municipality.

(Ord. 340, 1992)

3. 24. 020. Definitions

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 municipality and which has not been claimed by its owner for a period of more than five (5) years after it became payable or distributable. Excluded from this definition shall be abandoned motor vehicles as provided for in Section 42-4-1602, C.R.S. and personal property provided for under Section 42-16-101 et seq., C.R.S.

- B. "Municipality" means the Town of Ault, Colorado.
- C. "Owner" means a person entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the municipality.
- D. "Clerk" shall mean the Town Clerk of the Town of Ault.

(Ord. 340, 1992)

3. 24. 030. Procedure for Disposition of Property

- A. Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50.00) or more, the Clerk shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last known address of the owner as shown by the records of the municipal 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 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 Clerk with a written claim for the return of the property within twenty-one (21) days of the date of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- B. Prior to the disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50.00) or having no last known address of the owner, the Clerk shall publish a notice on the office town website. 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 Clerk with a written claim for the return of the property within twenty-one (21) days of the date publication of the notice, the property shall become the owner to sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- C. If the Clerk receives no written claim within the above twenty-one (21) day claim period, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.
- D. If the Clerk receives a written claim within the twenty-one (21) day claim period, the Clerk shall evaluate the claim and give written notice to the claimant within thirty (30) days thereof that the claim has been accepted or denied in whole or in part. The Clerk may investigate the validity of a claim and may request further supporting documentation for the claimant prior to disturbing or refusing to disburse the property.
- E. In the event that there is no more than one (1) claimant for the same property, the Clerk may, in the Clerk'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.
- F. In the event that all claims filed are denied, the property shall become the sole property of the municipality and any claim of the owner of such property shall be deemed forfeited.

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- G. Any legal action filed challenging a decision of the Clerk 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 Clerk pursuant to the order of the court having jurisdiction over such claim.
- H. The Clerk 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. 340, 1992)

HISTORY

- Original
- Ord. 542, Section 1, 2023

3. 24. 040. Effective Date

This chapter shall take effect upon being passed. The Board of Trustees determines that it is necessary for the immediate preservation of public health and safety, in that the chapter must be in effect before July 1, 1992, the effective date of House Bill 92-1152.

(Ord. 340, 1992)

Chapter 3. 25 Special Accounts

Sections:

- 3. 25. 010 Special Accounts
- 3. 25. 020 Joe P. Martinez Memorial Account
- 3. 25. 030 Development Cost Reimbursement

3. 25. 010. 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 establishing the account.

(Ord. 356 §1, 1996)

3. 25. 020. Joe P. Martinez Memorial Account

There is hereby created and established a special account to be known as the Joe P. Martinez Memorial Account. All funds collected from whatever source, whether donations or otherwise designated specifically, for construction and maintenance of the Joe P. Martinez Memorial shall be separately accounted for, and any income earned by this account shall be retained for the same purposes. Any monies in this account may only be used for the purpose of construction and maintenance of the Joe P. Martinez Memorial.

(Ord. 356 §1, 1996)

3. 25. 030. Development Cost Reimbursement

- A. Cost Reimbursement. All development proposals, including annexation, subdivision, zoning, rezoning, site plans, and final development plans, shall require a Cost Agreement to be entered into between landowners or developers and the Town at the time of application submittal to provide for reimbursement to the Town for the costs of consultants used by the Town to assist in evaluating landowners' or developers' requests and to assist the Town in negotiation, review, consultation, and advice. Such Agreement shall also reimburse the Town for other related costs including, but not limited to, legal publication costs and administrative costs. (Ord. 390, Section 1, 2000)
- B. Funds Deposit Agreement. At the time the Town and developer enter into a Cost Agreement as provided in Section A above, they shall also enter into a Funds Deposit Agreement whereby the developer shall deposit with the Town a minimum of five thousand dollars (\$5,000.00) to help defray the cost of processing developer's application.
 - 1. The funds received by the Town in such Funds Deposit Agreement shall have a separate accounting for each Community Development Request.
 - 2. The Town shall provide the developer with statements from its consultants as each payment is made from such funds on deposit.
 - 3. Any amounts remaining in the deposited funds after completion or termination of all work regarding the owner's development proposal shall be returned to the developer-landowner. If there are insufficient funds to cover costs, an additional deposit shall be required.
 - 4. The required deposit may be amended by the Board of Trustees by Resolution.

(Ord. 390, Section 1, 2000)

Chapter 3. 26 Purchasing and Competitive Bidding

Sections:

- 3. 26. 010 Approval of Town Administrator
- 3. 26. 020 Repealed
- 3. 26. 030 Repealed
- 3. 26. 040 Open Market Procedure
- 3. 26. 050 Formal Contract Provisions
- 3. 26. 060 Rejection of Bids and Waiver of Bid Formalities
- 3. 26. 070 Emergency Purchases
- 3. 26. 080 Contracting for Designated Professional Services
- 3. 26. 090 Execution of Contracts
- 3. 26. 100 Bid and Proposal Protests
- 3. 26. 110 Exceptions
- 3. 26. 120 Cooperative Purchasing

3. 26. 010. Approval of Town Administrator

All supplies, materials, equipment and services purchased for the Town already budgeted during the given budget year are subject to approval by the Town Administrator, no matter the amount; and all supplies, materials, equipment and

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services that have not been budgeted during the given budget year are subject to approval by the Town Administrator up to \$25,000. All purchases that have not been budgeted must be presented during the next regular Board of Trustees meeting.

(Ord. 442, 2008)

HISTORY

- Original
- Ord. 542, Section 1, 2023

3. 26. 020. Repealed

HISTORY

- Original
- Ord. 500, 2017

3. 26. 030. Repealed

3. 26. 040. Open Market Procedure

All purchases of supplies and contractual services totaling less than thirty thousand dollars (\$30,000.00) and all sales of personal property which has become obsolete and unusable with an estimated value of thirty thousand dollars (\$30,000.00) or less may be made in the open market without newspaper advertisement and without observing the procedure prescribed by Section 3.26.050 for the award of formal contracts.

(Ord. 442, 2008)

3. 26. 050. Formal Contract Provisions

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed thirty thousand dollars (\$30,000.00), shall be purchased by formal, written contract from the lowest responsible bidder after due notice inviting proposals. All sales of personal property which has become obsolete and unusable, when the estimated value shall exceed thirty thousand dollars (\$30,000.00), shall be sold by formal written contract to the highest responsible bidder after due notice inviting proposals. (Ord. 442, 2008)

- A. Notice inviting bids. Notice inviting bids shall be published on the official website of the Town and at least ten (10) days preceding the last day set for the receipt of proposals. (Ord. 442, 2008)
- B. Bid opening procedure. (Ord. 442, 2008)
 1. Sealed. Bids shall be submitted sealed to the Town Clerk and shall be identified as bids on the envelope. (Ord. 442, 200)
 2. Opening. Bids shall be opened in public at the time and place stated in the public notices. (Ord. 442, 2008)
 3. Tabulation. A tabulation of all bids received shall be posted for public inspection. (Ord. 442, 2008)

HISTORY

- Original
- Ord. 542, Section 1, 2023

3. 26. 060. Rejection of Bids and Waiver of Bid Formalities

The Town shall reserve the right to reject any and all bids for any reason. The Town shall reserve the right to forgo

formalities which may be outlined in bid specifications whenever the situation is such that the process or interested bidder is subjected to circumstances that hinder compliance to certain guidelines, and by doing such, would not compromise the integrity of the bidding process. Any waiver of a formality shall be subject to Mayor approval.

(Ord. 442, 2008)

3. 26. 070. Emergency Purchases

The Mayor shall, subject to review by the Board at the next regularly scheduled Town Board meeting, have the right to make emergency purchases in excess of the limits of this Ordinance and without using the aforementioned procedures when, due to necessity, immediate need, the particularity of the item, or the number of suppliers, it is not practical or possible to obtain bids.

(Ord. 442, 2008)

3. 26. 080. Contracting for Designated Professional Services

All services, excluding Town Board appointments as defined by Code, procured from a licensed professional or consultant which will cost more than thirty thousand dollars (\$30,000.00) for a single project are subject to criteria described in this section. All requests for proposals or request for qualifications soliciting professional services which are expected to exceed thirty thousand dollars (\$30,000.00) in fees must be advertised in the newspaper designated by the Town for legal publications not less than ten (10) calendar days prior to the date set forth therein as the deadline for receipt of proposals or qualification statements. The request for proposals prepared by the Town shall include a detailed statement of the project scope, including all professional services and documents required to satisfactorily complete the project. All proposals submitted must be accompanied with a statement of qualifications claimed by the interested offeror and a list of at least five (5) customer/client references. Town representative(s) may interview offerors who submitted proposals and/or qualifications to better determine a recommendation to the Board for contract approval. The Town reserves the right to reject any or all proposals with or without cause and with Board approval, forgo any formalities outlined in the request which, because of circumstances, hinder the process or the offeror from complying. The foregoing formalities shall not be authorized if, by doing so, would violate the integrity of the process. Award of the project shall be made to the selected offeror with all terms to be reduced to a written contract. (Ord. 442, 2008)

3. 26. 090. Execution of Contracts

Unless otherwise authorized or directed by the Board, all contracts obligating the Town may be executed on behalf of the Town by the Mayor and attested by the Clerk after approval of the form of the contract by the Town Attorney. Contracts for public improvements shall be authorized by the Board. Contracts for expenditures in excess of thirty thousand dollars (\$30,000.00), except contracts for the purchase of energy fuels, including gasoline and diesel fuels, and except contracts authorized pursuant to Section 3.26.070, shall be authorized by the Board. Contracts for expenditures of thirty thousand dollars (\$30,000.00) or less may be approved and executed by the Mayor, in a form approved by the Town Attorney, and attested by the Clerk unless otherwise directed or ordered by the Board.

(Ord. 442, 2008)

3. 26. 100. Bid and Proposal Protests

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A protest with respect to an invitation for bids or request for proposals shall be submitted in writing to the Mayor at least five (5) calendar days prior to the opening of bids or the closing date of proposals. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the award of a contract must file an appeal in writing to the Mayor within ten (10) calendar days of the date of the incident giving rise to the grievance. In the event of a timely protest or grievance, as described in this section, the Town shall not proceed further with the solicitation or award of the contract until such protest or grievance has been reviewed by the Town Attorney. The Mayor shall conduct an inquiry regarding the protest and decide what action, if any, will be taken to remedy the grievance. Within ten (10) days of filing a grievance with the Mayor, a written report of the Mayor's findings and decision shall be provided to the person(s) making the protest and the Board. The Mayor's action shall be final unless the grieving party submits a written appeal with the Clerk within five (5) calendar days of receiving the report of findings from the Mayor for a hearing before the Board. The Board's findings shall be considered final.

(Ord. 442, 2008)

3. 26. 110. Exceptions

This chapter shall not apply concerning any provisions which may be in conflict with grant or loan requirements of any state or federal contract with the Town. Such grant or loan requirements shall take precedence.

(Ord. 442, 2008)

3. 26. 120. Cooperative Purchasing

The Mayor shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the Town would be served thereby.

(Ord. 442, 2008)

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Title 4 - Permitting

Chapters:

- 4. 01 Use of Public Spaces - Local Events
- 4. 02 Farmer's Markets on Town Property
- 4. 03 Special Events and Open Containers; Alcohol
- 4. 04 Mobile Food Vendors

Chapter 4. 01 Use of Public Spaces - Local Events

Sections:

- 4. 01. 010 Intent
- 4. 01. 020 Definitions
- 4. 01. 030 Permit Required
- 4. 01. 040 Application Procedure; Fees
- 4. 01. 050 Action on Application
- 4. 01. 060 Grounds for Denial of Application
- 4. 01. 070 Permit Conditions
- 4. 01. 080 Appeal Procedure
- 4. 01. 090 Permit Issuance
- 4. 01. 100 Indemnification Agreement
- 4. 01. 110 Insurance
- 4. 01. 120 Traffic-Control Fees; Optional Use of Pre-established Event Routes
- 4. 01. 130 Cleanup Deposits for Certain Events
- 4. 01. 140 Duties of Permittee
- 4. 01. 150 Revocation of Permit
- 4. 01. 160 Violations

4. 01. 010. Intent

This Chapter establishes the standards for the issuance of a permit for local events and demonstrations on any property that is owned, leased or controlled by the town.

4. 01. 020. Definitions

As used in this chapter, the following words and terms shall be defined as follows, unless the context requires otherwise:

Applicant means any person who or organization that seeks a permit from the town to conduct or sponsor an event governed by this Chapter. An applicant must be 18 years of age or older.

Block party means a festive gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.

Coordinator means the Chief of Police or his/her designee.

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Demonstration means a rally, picketing, speechmaking, marching, vigil, religious services or any other similar gathering or parade that primarily involves the communication or expression of views or grievances, engaged in by more than one person, that occurs on any property that is owned, leased or controlled by the town including, without limitation, streets, highway and sidewalks, and which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any town affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the demonstration or other persons.

Event means all demonstrations and local events for which permits have been applied for or given.

Local event means a parade, athletic contest, street fair, art and craft show, carnival, block party, or other outdoor event which is not a demonstration as defined in this Section, that occurs on any property that is owned, leased or controlled by the town including, without limitation, streets, highway and sidewalks, and which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any town affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the event or other persons. Generally, these local events will have greater than 25 participants.

Parade means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or highway, including sidewalks, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

Permit or event permit means a permit issued for either a demonstration or local event.

Permittee means any person who or organization that has been issued an event permit by the Coordinator.

Street or highway has the same meaning as defined in the Model Traffic Code, adopted by the Town of Ault pursuant to Code Chapter 10.04, and includes bike and pedestrian lanes or paths.

4. 01. 030. Permit Required

Any person desiring to conduct an event in the town shall first obtain a permit from the Coordinator; provided, however, that an event permit shall not be required for the following:

- A. Parades involving a total of 25 or fewer pedestrians marching along a route that is restricted to sidewalks and who cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls; provided that pedestrians participating in such parades shall cross streets in groups of 15 people or less, and shall allow vehicles to pass between each group;
- B. Funeral processions; and
- C. All events that occur solely on privately owned property are not covered by this Chapter 4.01, but remain subject to all other applicable Code provisions.

4. 01. 040. Application Procedure; Fees

- A. Any person desiring to sponsor an event not exempted by 4.01.030 shall apply for an event permit by filing a

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verified application with the Coordinator on a form supplied by the Coordinator. Applications must be submitted not less than 30 business days nor more than one year before the event date.

- B. If the application is for a demonstration, the Coordinator shall, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause may be demonstrated by the applicant by showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.
- C. If the application is for a block party or other small local event, the Coordinator may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event.
- D. A nonrefundable permit application fee may be set by the Town Council. The fee, if set, shall cover, but not exceed, the full cost of processing and investigating permit applications and administering the permit program. If established, the fee shall be submitted by the applicant with the permit application.

4. 01. 050. Action on Application

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified below. Such action shall be taken no later than ten business days after receiving a completed application and fee, if applicable. If the application is denied or conditionally approved, the Coordinator shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal. If the Coordinator relied on information about the event other than that contained in the application, he/she shall inform the applicant of such information. If the Coordinator refuses to consider a late application, he/she shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

4. 01. 060. Grounds for Denial of Application

- A. The Coordinator shall approve an application for an event permit unless he/she determines, from a consideration of the application and other pertinent information, that:
 - 1. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail; or
 - 2. The applicant failed to complete the application form after having been notified of the need for additional information or documents; or
 - 3. Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Police Department is unable to meet the needs for police services for both events; or
 - 4. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion; or
 - 5. The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons; or
 - 6. The size of the event will require diversion of so great a number of peace officers of the town to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to

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prevent normal protection to the rest of the town; nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers available to police the event; or

7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the town streets or a previously granted encroachment permit; or
8. The event shall occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or
9. The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard; or
10. The event will violate an ordinance or statute.

B. When the grounds for denial of an application for permit specified in Subsections A.4 through A.9 above can be corrected by altering the date, time, duration, route or location of the event, the Coordinator shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said subsections.

4. 01. 070. Permit Conditions

The Coordinator may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include but are not limited to the following:

- A. Alteration of the date, time, route or location of the event;
- B. Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
- C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
- D. Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;
- E. Requirements for provision of first aid or sanitary facilities;
- F. Requirements for arrangement of supplemental fire protection personnel to be present at event at the permittee's expense;
- G. Requirements for use of event monitors and providing notice of permit conditions to event participants;
- H. Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the Ault-Pierce Fire Department;
- I. Requirements for use of garbage containers, cleanup and restoration of town property;
- J. Restrictions on use of amplified sound;
- K. A requirement that an event permit to conduct a block party may be conditioned on the giving of notice to the residents of dwellings along the affected street(s); and/or
- L. Compliance with any relevant law and obtaining any legally required permit or license.

4. 01. 080. Appeal Procedure

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The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the Town Administrator's office setting forth the grounds for the appeal within five business days after mailing or personal delivery of a notice of denial or permit condition. The Town Administrator or his or her designee shall hold a hearing no later than five business days after the filing of the appeal and shall render his or her decision no later than one business day after the hearing. In the event that a notice of appeal is filed in accordance herewith but fewer than six business days prior to the requested date for an event for which a permit has been denied, the Town Administrator shall hold a hearing and issue his or her decision no later than two business days after the filing of the appeal. If the Town Administrator determines that circumstances do not permit the completion of such hearing and decision at least one full business day prior to the time and date for the initiation of an event regarding which an appeal is pending, he or she shall notify the appealing applicant of said determination in writing and said applicant shall be entitled, but not required, to seek judicial review of the permit denial with no further administrative review. The Administrator's decision shall be final, subject only to such judicial review as may be permitted by law.

4. 01. 090. Permit Issuance

If, after review of the criteria contained in 4.01.080 above, the Coordinator determines that a permit should be granted, the Coordinator shall issue the event permit once the applicant has agreed in writing to comply with all terms and conditions of the permit and the following sections of this Chapter have been complied with:

- A. Section 4.01.100 - pertaining to indemnification;
- B. Section 4.01.110 - pertaining to insurance;
- C. Section 4.01.120 - pertaining to traffic-control fees; and
- D. Section 4.01.130 - pertaining to cleanup deposits (when applicable).

4. 01. 100. Indemnification Agreement

Prior to the issuance of an event permit, the Coordinator shall require the applicant and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the town for any costs incurred by it in repairing damage to town property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. The agreement shall also provide that the permittee shall defend the town against, and indemnify and hold the town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. Persons who merely join in an event are not considered by that reason alone to be "under the control" of the permittee.

4. 01. 110. Insurance

- A. Prior to the issuance of an event permit, the Coordinator may require the applicant and authorized officer of the sponsoring organization (if any) to possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. The Coordinator shall determine whether to require such insurance, and the amount of insurance that shall be required, based upon the considerations routinely taken into account by the town in evaluating loss exposures, including, without limitation, whether the event poses a substantial risk of damage or injury due to the anticipated

number of participants, the nature of the event and activities involved and the physical characteristics of the proposed site. Such insurance shall name on the policy or by endorsement as additional insureds the town, its officers, employees and agents.

- B. If insurance coverage is required pursuant to Subsection A above, a copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Coordinator no less than five days before the date of the event unless the Coordinator for good cause changes the filing deadline, in which event such documents shall be provided prior to the event.
- C. The insurance requirements of Subsections A and B above shall be waived by the Coordinator for demonstrations if the applicant or an officer of the sponsoring organization signs a verified statement that he/she believes the event is a demonstration under the definition in this Chapter, and that he/she has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.
- D. If the Coordinator waives the insurance requirements set forth in Subsections A and B above, the town may, in its discretion, require the applicant to apply for insurance coverage for the event under a policy selected by the town. The applicant must provide any information pertinent to qualifying for the insurance coverage. The premium for such insurance coverage would be paid by the town rather than the applicant.

4. 01. 120. Traffic-Control Fees; Optional Use of Pre-established Event Routes

- A. Upon approval of an application for an event permit, the Coordinator shall provide the applicant with a statement of the estimated cost of providing peace officers for traffic control at the event. The applicant of the event shall be required to pay the actual traffic-control fees no later than 30 days after the event unless the Coordinator extends the payment deadline. Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.
- B. Traffic-control fees will be computed based on an hourly rate with a minimum charge of two hours per officer or supervisor. The hourly rate is based upon negotiated benefits for peace officers and will be updated periodically. The Coordinator shall keep a record of such rate.
- C. The Coordinator shall pre-establish several event routes within the town which may be, but are not required to be, used by applicants. The routes shall specify the number of officers and traffic-control devices or marshals needed for traffic control on the routes, if any. Such pre-established event routes and the fee schedule for traffic-control services shall be made available to the public.
- D. Traffic-control fees will be waived by the Coordinator for demonstrations if the applicant signs a verified statement that he/she believes the event's purpose is First Amendment expression, and that he/she has determined that the cost of traffic-control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

4. 01. 130. Cleanup Deposits for Certain Events

- A. In connection with an event involving the sale of food or beverages, erection of structures, presence of horses or other large animals, or erection of water aid stations, the applicant may be required to provide a cleanup deposit prior to the issuance of a permit. The cleanup deposit shall be in the amount established by the Coordinator, based upon an estimate of the actual costs reasonably estimated to be incurred by the town in the cleanup of an event of

like nature and size.

- B. The cleanup deposit shall be returned after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.
- C. If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost to the town for cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied toward payment of the bill. If the applicant disputes the bill, he/she may appeal to the Coordinator within ten days of the date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant. Should the amount of the bill exceed the cleanup deposit, the difference shall be billed to the applicant by the town and the applicant shall pay the same within ten days of the date of the bill.

4. 01. 140. Duties of Permittee

- A. The permittee shall comply with all terms and conditions of the local event permit.
- B. The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, is familiar with all the provisions of the permit and carries the event permit on his or her person for the duration of the event.
- C. The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

4. 01. 150. Revocation of Permit

- A. The Coordinator or a designee may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.
- B. The Coordinator or a designee may revoke or terminate the permit during the course of the event if continuation of the event presents a clear and present danger to the participants or the public.

4. 01. 160. Violations

- A. It is unlawful for any person to sponsor or conduct a parade, athletic event, other special event or demonstration requiring an event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.
- B. It is unlawful for any person to interfere with or disrupt a lawful parade, athletic event or other special event.
- C. The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any event participant with knowledge thereof to knowingly violate the terms and conditions of the permit.
- D. Any person, firm, corporation or other entity violating any provision of this Chapter 4.01 shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the Code of the Town of Ault.

Chapter 4. 02 Farmer's Markets on Town Property

Sections:

4. 02. 010 Permit Required

- 4. 02. 020 Fees; Sales Taxes Waived
- 4. 02. 030 Entity Sponsor Requirements

4. 02. 010. Permit Required

The Town Administrator, or authorized designee, is authorized to issue a special events license to a not-for-profit entity (Referred to herein as the "Entity Sponsor") which will be responsible for organizing and operating the Farmers' Market. Such permit shall authorize the use of specified municipal or park property during specified dates and times.

4. 02. 020. Fees; Sales Taxes Waived

Each vendor at the Farmers' Market shall be required to pay to the Town a fee of ten dollars (\$10.00) per day in lieu of any municipal sales taxes, which are waived for sales during the Farmer's Market events.

4. 02. 030. Entity Sponsor Requirements

- A. Collect all vendor fees in association with its permit to each vendor, and remit the Town vendor fees weekly to the town.
- B. Maintain liability insurance of at least one million dollars (\$1,000,000.00) per occurrence which names the Town as an additional insured with respect to use of the Town property.
- C. Maintain records and contact information from all vendors, as well as a record of their space for each market day.
- D. Hold the Town harmless for any liability for use of the Town's property by the market or its patrons.

Chapter 4. 03 Special Events and Open Containers; Alcohol

Sections:

- 4. 03. 010 Special Event Person Applications

4. 03. 010. Special Event Person Applications

- A. Ault Board of Trustees (Council), acting as the Ault Liquor Licensing Authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events within the Town, as authorized by C.R.S. §12-48-107(5), as existing or as hereafter amended. The preceding recitals are adopted as specific findings and determinations of the Board. Before approval, the Clerk shall confirm the following when appropriate for special event licenses:
 - 1. Timely and proper posting of a conspicuous public notice sign as required by Article 48, Title 12, C.R.S., as amended.
- B. Whether the applicant satisfies the eligibility criteria set forth in Article 48, Title 12, C.R.S., as amended.
- C. After investigation, no sufficient grounds for denial appear to exist and no protests have been filed by affected persons.
- D. That the applicant has not exceeded and does not propose to exceed the maximum number of special event calendar days permitted by Article 48, Title 12, C.R.S., as amended.
- E. The Clerk shall report the issuance of any special event permit to the State Liquor Enforcement Division in accordance with the requirements of Article 48, Title 12, C.R.S., as amended.
- F. Special permits may be issued by the Clerk if applied for no less than five (5) business days prior to the date the

special permit is to be effective, and the Clerk shall provide the form for application and collect a fee and damage deposit as determined by Resolution of the Board at the time of receiving the application.

- G. If upon final inspection of the property for which the special permit was issued, the Town is satisfied that the proper cleanup has been performed by the permittee, the Clerk will refund the amount collected as a damage deposit.

Chapter 4. 04 Mobile Food Vendors

Sections:

- 4. 04. 010 Definitions
- 4. 04. 020 License Required; Fees; Term; Exemption
- 4. 04. 030 Mobile Food Vendor Regulations; Prohibitions

4. 04. 010. Definitions

Food is defined as any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Mobile Food Vendor is defined as any person who operates in the Town selling or taking orders for or offering to sell or take orders for food from or upon the public right-of-way, or to a person on the public right-of-way.

Mobile Food Vendor Apparatus is defined as a cart, food truck, wagon, mobile stand, motor vehicle or other vehicle, or other appurtenances used to conduct mobile food vendor operations.

Mobile Food Vendor Operations is defined the retail business operation of a mobile food vendor apparatus that stores, prepares, or packages food for sale for human consumption or serves or otherwise provides food for sale for human consumption to consumers directly or indirectly within the Town, other than delivery from regularly established permanent business locations.

4. 04. 020. License Required; Fees; Term; Exemption

A. It shall be unlawful for any person to operate as a mobile food vendor within the Town without first obtaining a license. Fees for mobile food vendors shall be established by the Board of Trustees in the Fees Schedule, and the license shall expire one (1) year from the date of issuance, unless suspended or revoked earlier.

B. Nothing in this part is intended to inhibit or prohibit the lawful order, sales, or delivery of food from regularly established permanent business locations.

4. 04. 030. Mobile Food Vendor Regulations; Prohibitions

- A. It shall be unlawful for any mobile food vendor to stop or to place a mobile food vending apparatus, food, tables, chairs or other fixtures, furniture, devices, generators or awnings used to conduct mobile food vendor operations so as to obstruct the free travel of pedestrians or vehicles in, on, near or above any public street, sidewalk, or other public right-of-way.
- B. It shall be unlawful for a mobile food vendor to stop or operate within twenty feet (20') of an intersection, or to

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sell or attempt to sell to any person who is standing in the street or roadway, or operate in any area so as to interrupt or interfere with the normal flow of vehicular or pedestrian traffic.

- C. No mobile food vendor's license shall be valid within the boundaries of, or within three hundred feet (300') of, any temporary park use permit for a special event or revocable permit for a special event issued by the Town which expressly prohibits, limits or regulates licensed mobile food vendor activities. The term "special event" as used in this section means activities such as, but not limited to, festivals, concerts, games and athletic events, parties, celebrations, picnics, parades, educational presentations and reenactments, memorial services, classes and other similar activities for which a revocable permit for the exclusive use of public property has been issued as provided by the this Code.
1. It shall be unlawful for any mobile food vendor, including persons licensed under this part, who is not a bona fide participant under a temporary park use permit or a revocable permit for a special event, to operate within the boundaries of a revocable permit for a special event, or within three hundred feet (300') of the boundaries of a revocable permit for a special event.
 2. It shall be unlawful for any mobile food vendor, including persons licensed under this part, who is not a bona fide participant under a revocable permit for a special event, to refuse or fail to comply immediately with an order from a Town Police Officer or Fire Department personnel, or Town Clerk's Office to remove their operation and physically leave the boundaries of the revocable permit for a special event, or to a point at least three hundred feet (300') from the outer boundaries of the revocable permit for a special event.
- D. It shall be unlawful to sell or offer to sell any goods, wares or merchandise other than food upon Town property or Town rights-of-way.
- E. It shall be unlawful for any mobile food vendor to violate the provisions of the Town Code and any regulations or licensing requirements of the Colorado or Weld County Departments of Health and Environment.
- F. It shall be unlawful for any mobile food vendor to conduct mobile food vendor operations from any loading zone, fire lane, or alley without the approval of a temporary permit.
- G. It shall be unlawful to engage in mobile food vendor operations upon any private property without the express written permission of the owner.
- H. Menus, advertising and other signs related to the mobile food vendor operation may be affixed to the mobile food vendor apparatus so long as the menu, advertisement or other sign does not extend beyond the physical limits of the apparatus.
- I. No artificial lighting device may be erected on the public right-of-way or affixed to the mobile food vendor apparatus.
- J. It shall be unlawful to connect, either permanently or temporarily, any mobile food vendor apparatus or other item used in mobile food vendor operations to any water, wastewater, gas, electric or other utility service.
- K. Mobile food vendor operations in an area that is zoned or used for residential purposes may only be conducted between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. Any mobile food vendor apparatus used in an operation must be removed from the public right-of-way in an area that is zoned or used for residential purposes between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.
- L. Mobile food vendor operations in an area that is zoned or used exclusively for commercial, office or industrial uses may not be conducted between the hours of three o'clock (3:00) A.M. and seven o'clock (7:00) A.M. Any mobile food vendor apparatus used in an operation must be removed from the public right-of-way in an area that is zoned or used exclusively for commercial, office or industrial purposes between the hours of three o'clock (3:00) A.M. and seven o'clock (7:00) A.M.

Title 5 - Business Licenses and Regulations

Chapters:

- 5. 04 Business License Generally
- 5. 08 Business License Fees
- 5. 12 Alcoholic Beverages
- 5. 13 Marijuana Establishments
- 5. 20 Peddlers, Solicitors and Transient Merchants

Chapter 5. 04 Business License Generally

Sections:

- 5. 04. 010 Title of Provisions
- 5. 04. 020 Scope of Provisions
- 5. 04. 030 Definitions
- 5. 04. 040 License Officer Duties
- 5. 04. 050 Application Submittal
- 5. 04. 060 Applicant Qualifications
- 5. 04. 070 Fees- -Payment Required Generally
- 5. 04. 080 Licensing Period- -Proration of Fees
- 5. 04. 090 Fees- -Penalty for Delinquency
- 5. 04. 100 Fees- -Rebates
- 5. 04. 110 Content of License
- 5. 04. 120 Duties of License
- 5. 04. 130 Change of Business Location
- 5. 04. 140 License Nontransferable
- 5. 04. 150 Inspection- -Authority
- 5. 04. 160 Inspection- -Right of Entry
- 5. 04. 170 Inspection- -Reports
- 5. 04. 180 Bonds
- 5. 04. 190 Violation- -Suspension or Revocation of License
- 5. 04. 200 Violation- -Appeals
- 5. 04. 210 Violation- -Failure to Obtain License

5. 04. 010. Title of Provisions

This chapter shall be known and may be cited as the "General Licensing Ordinance."

(Prior Code §12-1)

5. 04. 020. Scope of Provisions

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or Ordinances. Where this chapter imposes a greater restriction upon persons, premises or personal property

than is imposed or required by such existing provisions of law, Ordinance, contract or deed, the provisions of this chapter shall control.

(Prior Code §12-2)

5. 04. 030. Definitions

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have meanings given in this section:

- A. "License" or "licensee" includes, respectively, the words "permit" or "permittee," or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or Ordinance.
- B. "Premises" is meant to include all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

(Prior Code §12-3)

5. 04. 040. License Officer Duties

The Town license officer shall be the Town Clerk or his designated employee's or representatives. He shall collect all license and permit fees and shall issue licenses and permits in the Town to all persons qualified under the provisions of this chapter. He shall keep a register of all licenses and permits, which register shall contain the following:

- A. Name of the person licensed;
- B. Date of license;
- C. Purpose for which granted;
- D. The amount paid therefore;
- E. The expiration date.

(Prior Code §12-4)

5. 04. 050. Application Submittal

All businesses selling goods or providing services from business establishments within the boundaries of the Town shall obtain a business license from the Town within the first thirty (30) days of each calendar year beginning in January, 2015, in addition to any sales tax or other license required for such business. Businesses beginning after the first of the year shall obtain such license before opening business operations.

- A. This provision shall not apply to businesses run pursuant to a valid Home Occupation license issued by the Town;
- B. The fee for issuance of business licenses shall be assessed according to the adopted Fee Schedule per business per year.
- C. The Town Administration Staff or Code Enforcement personnel shall notify any business failing to comply with this provision which becomes known to them of the requirements of this Ordinance. If, after such notice, a business has failed to register within thirty (30) days, it shall be in violation of this Ordinance and may be handled pursuant

to Section 1.12.010.

- D. No registration shall be required of any retailer that, within the meaning of section 39-26-802.9 of the Colorado Revised Statutes, has a state standard retail license and either does not have physical presence in Ault or has only incidental physical presence within Ault.

(Ord. 468, 2014)

HISTORY

- Original
- Ord. 542, Section 1, 2023

5. 04. 060. Applicant Qualifications

The general standards set out in this chapter relative to the qualifications of every applicant for the Town license shall be considered and applied by the Town license officer. The applicant, shall

- A. Be of good moral character;
- B. Not be in default under the provisions of this chapter or indebted or obligated in any manner to the Town except for current taxes.

(Prior Code §12-6)

5. 04. 070. Fees- -Payment Required Generally

The license and permit fees shall be in the amounts established per Resolution of the Board.

(Prior Code, Section 12-7)

5. 04. 080. Licensing Period- -Proration of Fees

- A. Before engaging in any of the businesses or occupations set out in this chapter, or pursuing or carrying on same within the limits of the Town, the person desiring to do so shall pay the amount required and obtain a license.
- B. All licenses issued under this chapter shall, in any event, expire on the thirty-first day of the following December.

(Prior Code, Section 12-8)

5. 04. 090. Fees- -Penalty for Delinquency

The Clerk or Code Enforcement personnel shall notify any business failing to comply with this provision which becomes known to them of the requirements of this Ordinance. If, after such notice, a business has failed to register within thirty (30) days, it shall be in violation of this Ordinance and may be cited and fined in the amount of ten dollars (\$10.00) for each month or portion of a month thereafter until registration is completed.

(Ord. 468, 2014) (Prior Code, Section 12-9)

5. 04. 100. Fees- -Rebates

- A. General Prohibition. Except as provided in this chapter, no rebate or refund of any license fee or part thereof shall

be made.

B. Authorized in Special Cases. The Clerk shall have the authority to refund a license fee or prorated portion thereof where:

1. The license fee was collected through an error;
2. The license has been prevented from enjoying the full license privilege due to his death or incapacity to engage in such business;
3. The licensee has entered the armed services of the United States through induction or enlistment and is thereby rendered unable to conduct such business;
4. The licensed business is forced to close before the expiration of the license period by reason of the taking over of the business or licensed premises by the United States government, the state, or this Town; or
5. The licensed business was destroyed by fire or other casualty through no fault of the licensee.

C. Basis of Rebate. A rebate or refund as provided in this section shall be based upon the number of days in the license period remaining after the occurrence of the event relied upon for rebate.

(Prior Code §12-10)

5. 04. 110. Content of License

Each license issued under this chapter shall state upon its face the following:

- A. The name of the licensee and any other name under which such business is to be conducted;
- B. The kind and address of each business so licensed;
- C. The amount of the license fee therefore;
- D. The dates of issuance expiration thereof; and
- E. Such other information as the license officer determines.

(Prior Code §12-11)

5. 04. 120. Duties of License

Every licensee under this chapter shall:

- A. Permit all reasonable inspections of his business;
- B. Ascertain and at all times comply with all laws and regulations applicable to such licensed business;
- C. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare;
- D. Refrain from operating the licensed businesses on premises after expiration of his license and during the period his license is revoked or suspended;
- E. Display his license where it may be seen at all times, or carry such license on his person when he has no licensed business premises, or affix any tag, plate, badge or sticker on any motor vehicle, vending machine or device required to be licensed; and
- F. Not loan, sell, give or assign, to any other persons, or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession, except as authorized by the Clerk or by law any license, tag, plate, badge or sticker which has been issued to such licensee.

(Prior code §12-12)

5. 04. 130. Change of Business Location

A licensee shall have the right to change the location of the licensed business without paying an additional fee, provided he notifies the Clerk.

(Prior Code §12-13)

5. 04. 140. License Nontransferable

No license authorized and issued under this chapter shall be transferred to another person, nor shall the majority ownership of an entity holding such license be transferred without notice to the Town and such supplemental application information as the Clerk may reasonably require.

(Prior Code, Section 12-14)

5. 04. 150. Inspection- -Authority

The following persons are authorized to conduct inspections in the manner prescribed in this chapter:

- A. The Clerk shall make all investigations reasonably necessary to the enforcement of this chapter;
- B. The Clerk shall have authority to order the inspection of licensees, their businesses and premises, by all town officials and employees having duties to perform with reference to such licensees or businesses;
- C. All police officers shall inspect and examine businesses located within their respective jurisdictions.

(Prior Code §12-15)

5. 04. 160. Inspection- -Right of Entry

All persons authorized in this chapter to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, under the following premises:

- A. Those for which a license is required;
- B. Those for which a license was issued and which, at the time of inspection, are operating under such license; and
- C. Those for which the license has been revoked or suspended.

(Prior Code §12-16)

5. 04. 170. Inspection- -Reports

Persons inspecting licensees, their businesses, or premises as authorized in this chapter shall report all violations of this chapter or of other laws or Ordinances to the Clerk and shall submit such other reports as the Clerk shall order.

(Prior Code §12-17)

5. 04. 180. Bonds

AULT MUNICIPAL CODE

Whenever a bond is required by this chapter, the licensee shall execute and deposit with the Clerk a bond in the amount required, such bond to be conditioned that all work performed by the licensee or under his supervision shall be performed in accordance with the provisions of this chapter and laws and Ordinances of the Town; and that he will pay all fines and penalties properly imposed upon him for violation of the provisions of this chapter and laws and Ordinances of the Town; and to save the Town harmless from damages arising from the workmanship or negligence of the licensee. All bonds required under the provisions of this chapter shall expire on the thirty-first day of December next succeeding.

(Prior Code §12-18)

5. 04. 190. Violation- -Suspension or Revocation of License

When the conduct of any licensee, agent or employee is so inimical to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the Clerk shall have the authority to summarily order the cessation of business and suspend the license. The Board of Trustees or Police Chief may revoke any license issued by the Clerk for violation of any of the provisions under which the license was granted.

(Prior Code §12-19)

5. 04. 200. Violation- -Appeals

Any person aggrieved by any decision of the Clerk shall have the right of appeal to the Board of Trustees by filing a written appeal with the 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 finding shall be final and conclusive.

(Prior Code §12-20)

5. 04. 210. Violation- -Failure to Obtain License

It is unlawful for any person to engage in the business or occupation set out herein, without first having and obtaining the license therefore, and pay the fee for same set out in Chapter 5.08 of this title. Each day of violation shall be a separate offense and a person may be fined and convicted under this chapter for each day as a separate offense.

(Prior Code §12-21)

Chapter 5. 08 Business License Fees

Sections:

- 5. 08. 010 Generally
- 5. 08. 020 Alcoholic Beverages
- 5. 08. 030 Farmers Markets on Town Property
- 5. 08. 040 Repealed
- 5. 08. 050 Repealed
- 5. 08. 060 Repealed
- 5. 08. 070 Repealed
- 5. 08. 080 Repealed

- 5. 08. 090 Repealed
- 5. 08. 100 Repealed
- 5. 08. 110 Kennels and Pet Shops
- 5. 08. 120 Repealed
- 5. 08. 130 Peddlers, Solicitors, and Transient Merchants
- 5. 08. 140 Repealed
- 5. 08. 150 Repealed

5. 08. 010. Generally

The license and permit fees set out in this chapter are fixed, imposed, and levied upon businesses or occupations conducted, carried on, or practiced within the limits of the Town, which fees shall be part of the General Revenue Fund of the Town, the amount to be determined by the Board of Trustees.

(Prior Code, Section 12-22 (part))

5. 08. 020. Alcoholic Beverages

For provisions on alcoholic beverages, see Chapter 5.12 of this title.

(Prior Code, Section 12-22(1))

5. 08. 030. Farmers Markets on Town Property

- A. The Clerk is authorized to issue a special events license to a not-for-profit entity (Referred to herein as the "Entity Sponsor", which will be responsible for organizing and operating the Farmers' Market. Such permit shall authorize the use of specified municipal or park property during specified dates and times.
- B. Each vendor at the Farmers' Market shall be required to pay to the Town a fee of ten dollars (\$10.00) per day in lieu of any municipal sales taxes, which are waived for sales during the Farmer's Market events.
- C. The Entity Sponsor shall:
 - 1. Collect all vendor fees in association with its permit to each vendor, and remit the Town vendor fees weekly to the Clerk.
 - 2. Maintain liability insurance of at least one million dollars (\$1,000,000.00) per occurrence which names the Town as an additional insured with respect to use of the Town property.
 - 3. Maintain records and contact information from all vendors, as well as a record of their space for each market day.
 - 4. Hold the Town harmless for any liability for use of the Town's property by the market or its patrons.

5. 08. 040. Repealed

5. 08. 050. Repealed

5. 08. 060. Repealed

5. 08. 070. Repealed

5. 08. 080. Repealed

5. 08. 090. Repealed

5. 08. 100. Repealed

5. 08. 110. Kennels and Pet Shops

- A. The business license fee to maintain a kennel, pet boarding kennel, or pet shop shall be determined by Resolution of the Board.
- B. No license shall authorize or entitle any person to keep more than thirty-five (35) dogs of any age at any one time in any such kennel or pet shop. The owner, harbinger, or keeper of any dogs within the Town shall either obtain a kennel license or pay the license fees specified upon each individual dog, without regard to age bought or sold by him.
- C. No license shall be issued unless the applicant shall present with his application the consent in writing of a majority of the residents living within three hundred (300) feet of the proposed location of the kennel or pet shop; provided, however, if the application is for the renewal of an existing license, and the applicant has heretofore obtained the written consent of a majority of the residents living within three hundred (300) feet of the proposed location, the renewal of an existing kennel or pet shop license at the same location may be issued upon payment of the annual fee provided in this section.

[Prior Code, Section 12-22(12)]

5. 08. 120. Repealed

5. 08. 130. Peddlers, Solicitors, and Transient Merchants

Peddlers, Solicitors, and Transient Merchants. See 5.20.

5. 08. 140. Repealed

5. 08. 150. Repealed

Chapter 5. 12 Alcoholic Beverages

Sections:

- 5. 12. 010 Definition
- 5. 12. 020 License – Required for Sale
- 5. 12. 030 License – Issuance Conditions
- 5. 12. 040 License – Application
- 5. 12. 050 License – Fee
- 5. 12. 060 License – Suspension or Revocation
- 5. 12. 070 Repealed
- 5. 12. 080 Minors – Prohibitions
- 5. 12. 090 Minors – Posting of Prohibitions
- 5. 12. 100 Prohibited Acts
- 5. 12. 110 Intoxicating Liquors - Local Licensing Authority
- 5. 12. 120 Intoxicating Liquors - Statutory Authority
- 5. 12. 130 Special Events and Open Containers - Special Event Permit Applications
- 5. 12. 140 Special Events and Open Containers - Open Containers -Prohibitions

5. 12. 010. Definition

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The term "fermented malt beverages," as used in this article is construed to mean any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water with alcohol content of three and two-tenths percent (3.2) or higher.

(Prior Code, Section 3-1)

5.12.020. License - Required for Sale

The fermented malt beverage as defined in this article and by the laws of the state may be imported and sold by persons licensed as provided in this article.

(Prior Code §3-2)

5.12.030. License - Issuance Conditions

Licenses shall be granted to any person desiring to import and sell fermented malt beverages as defined in this article, in the Town upon the following qualifications and conditions:

- A. The licensee shall be a resident of the state, and if a corporation, must be incorporated under the laws of the state or duly qualified to do business in the state.
- B. The licensee shall be of good character and reputation.
- C. No license shall be issued to or held by any person who has been convicted of a felony in Colorado or who has been convicted of a crime elsewhere which would have constituted a felony if such crime had been committed in Colorado. This provision shall render a corporation ineligible for licensing if any corporate officer, director or stockholder holding over ten percent (10%) of the outstanding and issued stock meets either of these tests, except in the following circumstances:
 1. If such person served confinement pursuant to said conviction and was released therefrom more than fifteen (15) years prior to the date on which his application for license is made; or
 2. If such person served no confinement pursuant to said conviction and the conviction occurred more than fifteen (15) years prior to the date on which his application for license is made; or
 3. If such person was granted an unconditional pardon by the Governor or the President of the United States, in which event such person may make application for a license at any time after being granted such pardon.
- D. In considering the issuance of licenses, the Board of Trustees shall consider the reasonable requirements of the Town and the desires of the inhabitants as evidenced by petitions, remonstrances or otherwise.
- E. The Board of Trustees shall restrict the use of the license issued as follows; provided, however, that the provisions of this subsection shall not apply to any license issued or applied for prior to July 1, 1967, nor to any renewal or reissuance thereof:
 1. Sales for consumption off the premises of the licensee;
 2. Sales for consumption on the premises of the licensee;
 3. Sales for consumption both on and off the premises of the licensee.

(Ord. 310 (part), 1987; prior code §3-3)

5.12.040. License - Application

AULT MUNICIPAL CODE

- A. All licenses granted under the provisions of this article shall be nontransferable and good for one (1) year from the date of issuance unless revoked and shall be issued by the Clerk upon receipt of application therefore sworn to before a notary public, accompanied by a remittance for the full amount of the license fee payable to the Town, but in no ,shall the Clerk issue any license until the application therefore has been approved by the Board of Trustees.
- B. All licenses granted and issued under this article are separate and distinct licenses that may be granted and issued under any other Ordinance or any law of the state pertaining to malt, vinous and spirituous liquors containing more than three and two-tenths percent (3.2) of alcohol by weight.
- C. All licenses granted and issued under the provisions of this article shall specify the date of issuance, the type of license, the date of its expiration, and the name of the licensee and the place where the license is to be exercised.
- D. Licenses granted and issued under the provision of this article must at all times be conspicuously placed in the place where the license is exercised and used, and the Police Chief and his officers shall see to it that every provision of this chapter is duly and fully performed. In the event the place where the license is to be exercised is changed, a permit for this change must be obtained from the Board of Trustees, and such permit conspicuously placed at all times in the place of business of the licensee.
- E. No Town license shall be granted to any person until he has first obtained a state license as provided by the laws of the state.

(Prior Code §3-4)

5.12.050. License - Fee

A retailer's license shall be granted and issued to those persons qualified under this article and under laws of the state to sell fermented malt beverages, as defined in this article, in the Town upon paying the annual license fee as set by Resolution of the Board to the Clerk.

(Ord. 310, 1987; Ord. 265, S1, 1983; Prior Code, Section 3-5)

5.12.060. License - Suspension or Revocation

The Board of Trustees may temporarily suspend any license issued under this article for a period not exceeding fifteen (15) days without giving the licensee notice that it is considering such suspension. The Board may suspend for a period not exceeding six (6) months or revoke any license issued hereunder where there has been a violation of any of the provisions of this chapter; provided, however, that no license shall be suspended or revoked except temporarily, unless the licensee has been given notice that the Board is contemplating such suspension and is afforded an opportunity to be heard at a public hearing.

(Prior Code §3-6)

5.12.070. Repealed

(2015 Revisions)

5.12.080. Minors - Prohibitions

AULT MUNICIPAL CODE

It is unlawful for any person who is the licensee of a tavern or the employee of the licensee of a tavern to employ or permit any minor under the age of eighteen (18) years to frequent such place, or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same, or to engage or participate in any game, bet, or wager with any cards or any other gambling device, or any other game whatsoever in or about such place.

(Prior Code §3-8)

5.12.090. Minors – Posting of Prohibitions

It is the duty of all licensees of taverns to post conspicuously in their places of business the following sign: If you are under the age of twenty-one (21) it is illegal to attempt to purchase alcohol.

(Prior Code §3-9)

5.12.100. Prohibited Acts

- A. Sale or Possession Illegally. It is unlawful for any person to sell or possess for sale within the Town any beer or other fermented malt beverages containing not more than three and two-tenths percent (3.2) alcohol by weight, or to permit others to sell or possess for sale such beverages within the Town on any premises owned or controlled by him, except as provided in this article and by the laws of the state.
- B. Purchasing Illegally. It is unlawful for any person to solicit or take any order or orders for any purchase or purchases of any such beverages in the Town except as provided in this article.
- C. Transporting Illegally. It is unlawful for any person to carry on or about his person or to engage or employ any other person to carry or transport any such beverages in the Town for the selling, bargaining, exchanging or illegally transferring of same in the Town, except as provided in this article.
- D. Sales by Minors. It is unlawful for any person licensed under the provisions of this article to permit any fermented malt beverages to be sold or dispensed by any person under the age of twenty-one (21) years or to permit any such person to participate in the sale or dispensing thereof.
- E. Serving to Minors- -Hours of Sale. It is unlawful for any licensee, or the employee of any licensee, licensed under the provisions of this chapter to sell, serve or distribute by the drink or otherwise, or at all, any beer or other fermented malt beverages containing not more than three and two-tenths percent (3.2) of alcohol by weight, to any person under the age of twenty-one (21). Licensees who sell alcohol beverage for consumption on the premises (e.g. taverns, restaurants, and brew pubs for on premises sales) may sell from 7:00 a.m. to 2:00 a.m. three hundred sixty-five (365) days a year. Licensees who sell alcohol for consumption off the premises (Liquor Stores, Drug Stores and Brew Pub "to go" sales) may sell from 8:00 a.m. to midnight every day except Christmas. (Amended during the 2015 codification)
- F. Delivering Beverages of Illegal Alcoholic Content. It is unlawful for any manufacturer or wholesaler to sell, deliver, or cause to be delivered to any retail licensee, licensed under this article, any beverage containing alcohol in excess of three and two-tenths percent (3.2) by weight; or for any retailer licensed under this article to sell, possess, or permit the consumption on the premises licensed hereunder any beverages containing alcohol equal to or in excess of three and two-tenths percent (3.2) by weight, or for any retail licensee hereunder to hold or operate under any licenses for the sale of any such beverages.
- G. Any violation by any licensee hereunder of the provisions of this section may, in addition to any other remedy, result in the cancellation of the license granted under this article.

(Prior Code §3-10 (part))

5.12.110. Intoxicating Liquors - Local Licensing Authority

Whenever any section or sections of the Colorado Liquor Code (CRS 1963, 75-2-1st seq.) impose any duties upon a local licensing authority or authorize a local licensing authority to exercise any powers, the Board of Trustees shall perform such duties and exercise such powers as are conferred upon a local licensing authority.

(Prior Code §3-11)

5.12.120. Intoxicating Liquors - Statutory Authority

Whenever the local licensing authority is empowered to issue licenses, collect license fees, conduct investigations, suspend or revoke licenses or do any other act with respect to businesses selling intoxicating liquors, it shall in all matters act in accordance with and be governed by the requirements of the Colorado Liquor Code (CRS 1963, 75-2-1st seq.).

(Prior Code §3-12)

5.12.130. Special Events and Open Containers - Special Event Permit Applications

- A. Ault Board of Trustees (Council), acting as the Ault Liquor Licensing Authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events within the Town, as authorized by C.R.S. §12-48-107(5), as existing or as hereafter amended. The preceding recitals are adopted as specific findings and determinations of the Board. Before approval, the Clerk shall confirm the following when appropriate for special event licenses:
 - 1. Timely and proper posting of a conspicuous public notice sign as required by Article 48, Title 12, C.R.S., as amended.
- B. Whether the applicant satisfies the eligibility criteria set forth in Article 48, Title 12, C.R.S., as amended.
- C. After investigation, no sufficient grounds for denial appear to exist and no protests have been filed by affected persons.
- D. That the applicant has not exceeded and does not propose to exceed the maximum number of special event calendar days permitted by Article 48, Title 12, C.R.S., as amended.
- E. The Clerk shall report the issuance of any special event permit to the State Liquor Enforcement Division in accordance with the requirements of Article 48, Title 12, C.R.S., as amended.

(Ord. 459, 2012)

5.12.140. Special Events and Open Containers - Open Containers -Prohibitions

- A. It is unlawful for any person to serve, consume, or have any open container of liquor or fermented malt beverage when on, in, or using by conveyance or otherwise, any public street, parking lot, alley, park, public place, avenue, or sidewalk within the Town, except a duly licensed establishment.
- B. Special permits may be issued by the Clerk if applied for no less than five (5) business days prior to the date the special permit is to be effective, and the Clerk shall provide the form for application and collect a fee and damage deposit as determined by Resolution of the Board at the time of receiving the application.

- C. If upon final inspection of the property for which the special permit was issued, the Town is satisfied that the proper cleanup has been performed by the permittee, the Clerk will refund the amount collected as a damage deposit.

(Ord. 215 §1, 1976; Prior Code §3-10 (part))

Chapter 5. 13 Marijuana Establishments

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5.13.010. Purpose and legislative intent

Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64 of 2012, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing, and retail sale of marijuana, collectively referred to as "marijuana establishments" by the Constitution. Subsection 16(5)(f) of Article XVIII allows localities, within their respective jurisdictions: to prohibit operation of marijuana establishments; to regulate the time, place, and manner in which marijuana establishments may operate; and to limit the total number of marijuana establishments. The authority of localities to prohibit or regulate marijuana establishments within their respective jurisdictions, including the authority to engage in local licensing of marijuana establishments, is also reflected in various provisions of the Colorado Marijuana Regulation statutes, C.R.S. title 44, art. 10, and other provisions of state law and regulations. The purpose of this chapter is to exercise the authority of the Town to allow state-licensed marijuana establishments to exist in Ault in accordance with applicable state laws and regulations as well as the additional local licensing requirements and other restrictions set forth herein. This chapter is adopted pursuant to the aforesaid constitutional and statutory authority, as well as the Town's plenary authority to adopt and enforce ordinances under its police power in order to preserve the public health, safety and general welfare.

5.13.020. Definitions

The definitions set forth in subsection 16(2) of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code, C.R.S. § 44-10-103, as amended, the regulations thereto at 1 CCR 212-3, as amended shall apply equally to this chapter, unless the context clearly indicates otherwise. In addition, the following terms shall have the meanings respectively assigned to them:

Applicant means any person who has submitted an application for a license to operate a retail marijuana establishment to the local licensing authority.

Cap means the cap on the number of licenses in the city as described in section.

Good cause, for purposes of refusing or denying a license renewal, means:

- A. The licensee or applicant has violated, does not meet, or has failed to comply with, any of the terms, conditions, or provisions of any applicable state or local law, or any rule and regulation adopted pursuant thereto, related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marijuana;
- B. The licensee or applicant has failed to comply with its approved plans or any special term or condition placed on the license by order of the state licensing authority or the local licensing authority;
- C. Evidence the licensed premises have been operated in a manner that adversely affects the public health, safety, or the general welfare of the city or the immediate neighborhood where the establishment is located, which evidence may include a continuing pattern of violations of the terms and conditions of a license issued pursuant to this chapter, a continuing pattern of unlawful or violent activity occurring in the location and in association with the operation of the business, or other violations of this Code; or
- D. Evidence the licensee, or any principal officer, any person required to request a finding of suitability by state law or administrative rule, manager, agent, or employee of the license is not of good moral character or has violated any provision of this chapter or committed any unlawful act under this chapter.

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License means a revocable privilege to lawfully operate a marijuana establishment pursuant to this chapter.

Licensed premises means the premises specified in an application for a license under this chapter, which are owned or will be in the possession of the licensee and within which the licensee is authorized to sell marijuana in accordance with all applicable laws.

Licensee means a person licensed pursuant to this chapter.

Limited access area means a building, room, or other contiguous area upon the licensed premises where marijuana is stored, weighed, or packaged, under control of the licensee.

Liquid assets means assets that can be readily converted into cash, and includes assets that will be placed directly into the marijuana store. Liquid assets include, but are not limited to, funds in checking or savings accounts, certificates of deposit, money market accounts, mutual fund shares, publicly traded stocks, United States savings bonds, furniture and equipment, marijuana prepared for sale, and related products and inventory to be transferred to the marijuana store. "Liquid assets" does not mean household items, vehicles, marijuana plants, or real property or improvements thereto.

Manager means a business manager of a marijuana establishment as described in subsection 5.13.230, and includes, when applicable, the definition provided in the Colorado Marijuana Code, C.R.S. § 44-10-103, as amended.

Marijuana means regulated marijuana, as defined by 1 CCR 212-3.

Marijuana establishment or marijuana store means a facility licensed by the town and state to operate in the town as a retail marijuana store, or a co-located retail marijuana store and medical marijuana center, that distributes, dispenses, displays, sells, or otherwise provides marijuana to consumers, patients, or caregivers as authorized pursuant to Section 16 of Article XVIII of the Colorado Constitution and other applicable state law.

Moral character means the degree to which a person's history demonstrates honesty, fairness, and respect for the rights of others and for conformance to the law, which may include considerations of whether an individual has:

- A. Ever had a professional license denied, suspended, or revoked;
- B. Ever had a business license denied, suspended, or revoked;
- C. Ever surrendered, been denied, or had any type of marijuana-related business license placed on an administrative hold, suspended, or revoked;
- D. Ever been denied any type of marijuana-related business license;
- E. Ever had a business temporarily or permanently closed for failure to comply with any tax, health, building, fire, zoning, or safety law;
- F. Ever had an administrative, civil, or criminal finding of delinquency for failure to file or failure to pay sales or use taxes or any other taxes;
- G. Ever been convicted of a felony or other offense involving a crime of moral turpitude; or
- H. Within the previous 12 months been indicted, charged with, or convicted of any offense, whether a criminal felony, misdemeanor, petty offense, or any local ordinance violation related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marijuana.

Principal officer means the chief executive officer, president, vice president, secretary, treasurer, chief financial officer,

chief operating officer, and executive director.

School means a school serving students in any grade from kindergarten through 12th grade, inclusive and whose site development plan would be encompassed within the procedures of C.R.S. §§ 22-32-124(1) or (1.5), (2021); but shall not include school-owned property that is vacant, used only for maintenance or storage purposes, or is not actively used to teach, hold or house students. 5.13.30 Relationship to state law.

The provisions in this chapter that are different from the applicable state law are consistent with the town's responsibility to protect the public health, safety, and welfare as authorized by applicable law and the municipal Charter. The town intends that both state law and this chapter apply within the town. In the event of a conflict between the provisions of this chapter and the provisions of state law, the more restrictive provision shall control.

5.13.030. RESERVED

5.13.040. Marijuana licensing authority established

- A. *Creation.* There is created a local marijuana licensing authority, hereinafter referred to in this chapter as the "authority." The Town Board shall serve as the authority.
- B. *Selection division.* Within the authority, there is created a division, hereinafter referred to in this chapter as the "selection division," appointed by the authority for the purpose of selecting licensees among applicants for a license. The three members of the selection division shall be the Town Clerk the Chief of the Ault Police Department, and a third person appointed by the authority. The selection division may adopt rules of procedure to govern its processes. The town attorney's office shall advise the selection division through its decision-making process.
- C. Under no circumstances shall the authority approve any application for local licensing of a marijuana establishment in circumstances where the state has failed to act in accordance with Section 16 of Article XVIII of the Colorado Constitution, it being the intent of this chapter that no marijuana establishment may lawfully exist in the town absent the issuance of a state license and full regulatory oversight of the establishment as a retail marijuana store by the state as well as the town. Accordingly, the authority shall not approve any application for licensing submitted independently and in lieu of state licensing nor shall the authority grant any license if the state fails to act within 90 days on any specific application for licensing of a retail marijuana establishment in accordance with Section 16(5)(g)(III) of Article XVIII of the Colorado Constitution.
- D. *Duties and powers of the authority.* The authority shall have the power to grant or deny an application pursuant to this chapter, and to impose any conditions on the applicant or licensee related to the granting of the license. The authority shall have the authority to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing so held. The authority may adopt rules of procedure regulating the conduct of its meetings and hearings. The authority shall have the authority to approve or deny applications for license renewals, transfers of ownership, changes of corporate structure, changes of location, modifications of licensed premises or approved plans, and changes in manager registration. The authority shall have the authority to summarily suspend a license pending a hearing. The authority shall have the power, after hearing, to revoke or suspend any license, or to impose fines in lieu of suspension, civil penalties, sanctions, or other conditions on the applicant, the licensee, or the manager, relating to the license.
- E. The authority shall designate a secretary of the authority, who shall provide the necessary notice of meetings and

secretarial and reporting services for the authority.

- F. The town clerk or designee shall receive all applications for licenses, facilitate the departmental review and approval for each application, issue the licenses granted by the authority upon payment of fees required and upon approval of the appropriate licensing authority, and maintain all licensing records for the town. The authority may delegate any administrative matter to the secretary, town clerk or designee.

5.13.050. Licensing authorized

The authority may issue only marijuana store licenses as authorized by state law. No other types of marijuana establishment may be licensed or may operate in the town. A marijuana store license shall act as a retail marijuana store license and also as a medical marijuana center license under the restrictions described herein.

5.13.060. License required

- A. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or local law, including, by way of example, a sales and use tax business license granted and issued by the town, or any applicable zoning, development, or building permits.
- B. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential civil or criminal liability.
- C. It shall be unlawful for any person to operate a marijuana establishment in the town without obtaining a local license to operate pursuant to the requirements of this chapter while concurrently holding a license in good standing from the state.
- D. A separate license shall be required for each specific business and for each geographic location.

5.13.070. Cap on licenses

The authority shall grant no license that would increase the number of active licenses in the town to more than three (3), subject to the zoning and location limitations set forth herein.

5.13.080. Application acceptance periods

- A. *Window for annexation referrals.* No application for a license for a location outside the town limits shall be considered unless the applicant has previously submitted all materials required under the land development code for presentation of an annexation application to the town for consideration per the Annexation requirements found in Chapter 16.02 of the Ault Municipal Code. Applications for licenses for locations outside the town must also comply with the time restrictions for applications described in subsection B, below.
- B. *Application window.* In an announcement of a request for expression of interest, the authority shall set the opening and closing dates and times during which the authority will accept applications for a new license. These dates and times shall be committed to the authority's discretion, to provide an orderly process. No application for a license shall be considered for any location, including one outside the town limits, unless the town receives a proper and complete application for a new license within this window.
- C. Notwithstanding the foregoing, the authority may extend or waive any deadline or delay evaluation of applications to the extent necessary to receive required application materials, fees, and approvals from the state licensing authority for any application, so long as the applicant made application to the state licensing authority for a state

license within 30 days of the authority's announcement of the request for expression of interest.

5.13.090. Request for expression of interest

The authority may announce its first request for expression of interest as soon as it determines it to be practicable. The authority may announce future requests for expression of interest at future dates when fewer licenses are active than the cap number, under the circumstances described in this chapter. The town clerk or designee of the authority shall post notice of requests on the town's website. The town clerk or designee shall specify the start and end date and time of the application period.

5.13.100. Application requirements

- A. All applications for a license shall be submitted to the town clerk or designee of the authority upon forms and in the manner provided by the authority and shall include all materials required for a new license under state law and regulations. To the extent any materials have been included with the applicant's state license application and forwarded to the town by the state licensing authority, the authority may rely upon the information forwarded from the state without requiring resubmittal of the same materials to the authority. The town clerk or designee shall review the application, make a determination of completeness, and forward the complete applications and all supporting documentation to the authority's selection division for consideration. The authority may, in its discretion, require additional documentation associated with the application, including any other information that may be relevant, as may be necessary to enforce the requirements of the state law and this Code.
- B. Complete applications.
1. For purposes of this chapter, an application for a license shall not be considered complete until the town clerk or designee has: (i) determined that all requirements of the application have been provided to the town, (ii) received the local share of the application fee from the state, except as described in subsection B.2, below, and (iii) obtained all other information the authority determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions.
 2. Applications for locations outside the town, already licensed for retail marijuana sales by the state licensing authority and proposed for annexation into the town, need not include the local share of the state application fee. They shall, however, in addition to the submittal requirements of section 5.13.110, include a copy of the active state license(s), as well as all materials submitted to the state licensing authority in application for such license(s) and the most recent renewal thereof if any renewal applications have been made. Should such a local application be selected for approval, the state licensing authority may require an application for a change of location in order to revise the local jurisdiction. The applicant may apply for such a transfer subsequent to final licensure and annexation by the town.
- C. All approved applications and accompanying materials may be subject to disclosure under the Colorado Open Records Act. Each application for a new license shall include a public version of the application, with all information redacted that the town is prohibited from releasing under the Act, in a format designated by the authority. The town reserves the right, however, to release all records and parts of records required by the Act, even if the applicant has proposed such records or parts of records for redaction. The selection division shall consider, as a factor in its decision-making process related to the completeness and forthrightness of the application, the extent to which the applicant has proposed for redaction records or parts of records that are properly public and subject to disclosure under the Act.

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- D. The authority may promulgate and make available forms for different types of applications under this chapter, and if a form exists for a particular type of application, the authority shall not consider such application unless it includes such completed form. Along with or as a part of such forms, the authority may specify page or word limits for applications or any part of any application as it determines necessary to ensure an orderly process.
- E. No location shall serve as the proposed location for more than one application.
- F. No person shall apply for more than one license in any location in the town. No owner of any business applying for a license or in possession of a license within the town may apply for, or be an owner of any other business entity applying for, another license within the town.
- G. Every applicant and licensee under this chapter shall be deemed, by virtue of applying for, holding, or renewing a license, to have expressly consented to the procedures set forth in this chapter.

5.13.110. Submittal for a license

Each application for a license shall be filed on forms provided by the authority, and shall include:

- A. A cover letter providing an overview of the proposed establishment and reasons the applicant has chosen to locate in Ault.
- B. All applicable fees, including any annual operating fee due for the first year of operations. The town shall not retain, or shall refund, the annual operating fee if the application is not selected for approval.
- C. Copies of background checks, photo identification, and fingerprints of all persons who are required to request a finding of suitability by state law or administrative rule, and any other person required by the authority, as well as a statement of all violations and penalties for any infractions or offenses by the applicant or applicant's controlling beneficial owners, principal officers, managers or employees relating to any marijuana establishment in the state or a statement that no such violations or penalties have occurred.
- D. A site control plan, including:
 - 1. A detailed description, floor plan, and vicinity map of the proposed location, including a full address, as required per the Building Code requirements found in Chapter 15.04 of the Ault Municipal Code.
 - 2. A general description of site improvements proposed, and the land development approvals required therefor.
 - 3. A zoning verification letter from the planning and development services department.
 - 4. Demonstration that the applicant has control of the site, for example by property ownership, or verified lease which covers the term of any license issued hereunder. If the applicant does not own the property, the applicant shall provide a letter from the property owner(s) expressly approving the use of the property as a marijuana store.
- E. A business plan, including the following:
 - 1. A general description of the business, a market analysis, and a marketing plan.
 - 2. Details of overall management and operations including hours of operation, curricula vitae of all principal officers and managers, and staffing plans, including any specific commitments of the licensee toward staffing the establishment with a diverse workforce of Ault residents.
 - 3. Financial information demonstrating a formalized relationship with an established financial institution, demonstrated liquid assets sufficient to cover start up and initial operational expenses for the business, financial projections including assumptions used, and sources of funds.
 - 4. A description of the applicant's experience operating licensed marijuana businesses in Colorado or

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elsewhere, including compliance with state and local laws or violations thereof.

5. An indication of whether the marijuana store would sell retail or both retail and medical marijuana.

F. *Security plan.* All licensees shall file a written security plan with the authority. The security plan will be protected from public disclosure to the extent provided under the Colorado Open Records Act, C.R.S. § 24-72-204(2)(a)(VIII). The written security plan shall address, at a minimum, the following elements:

1. Evidence that the premises will comply with all security and video surveillance requirements set forth in the Charter, Rules 3-220 and 3-225 of the Code of Colorado Regulations 1 CCR 212-3 if applicable.
2. A professionally drafted site plan showing the entire vicinity in which the marijuana establishment is located, including the street(s), parking lot(s), other tenants within the property, and any other entities that physically border the establishment;
3. A floor plan of the marijuana establishment detailing the locations of the following:
 - a. All entrances and exits to the establishment;
 - b. The location of any windows, skylights, and roof hatches;
 - c. The location of all cameras, and their field of view;
 - d. The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;
 - e. The location of the digital video recorder and alarm control panel, including the location of the off-site storage or network service provider for storage of the required copies of surveillance recordings; and
 - f. Restricted and public areas.
4. The type of security training provided for, and completed by, establishment personnel, including conflict resolution training and procedures for handling violent incidents;
5. How the licensee intends to use and maintain an incident log;
6. The establishment's procedures for preventing the use of marijuana on the licensed premises;
7. Security measures taken by the licensee to prevent individuals from entering the limited access area portion of the licensed premises;
8. The licensee's closing procedures after the cessation of business each day;
9. The licensee's plan to prevent theft or the diversion of marijuana, including maintaining all marijuana in a secure, locked room that is accessible only to authorized persons;
10. The type of alarm system and outdoor lighting to be used by the licensee;
11. The licensee's procedures for accepting delivery of marijuana at the establishment, including procedures for how it is received, where it is stored, and how the transaction is recorded;
12. A copy of the licensee's security alarm system monitoring contract;
13. A lighting plan showing the lighting outside of the marijuana establishment for security purposes and compliance with applicable town requirements;
14. A landscaping plan showing the landscaping outside of the marijuana establishment for security purposes and compliance with applicable town requirements;
15. A plan for disposal of any marijuana that is not sold; and
16. A plan for preventing underage persons from entering the premises.

G. A community outreach plan, including:

1. The applicant's history of community and neighborhood involvement with other similar businesses;
2. Written policies and procedures to address community concerns and complaints;

3. A designated point of contact, with comprehensive contact information, for public questions and concerns; and
 4. Measures and procedures for mitigating any impacts to the neighborhood, foreseen or unforeseen.
- H. An odor management plan preventing any odor from the licensed premises from being perceptible to an ordinary person at the exterior of the building of the licensed premises or at any space adjoining the licensed premises.
- I. A description of how the licensee and licensed establishment would contribute to and support the overall vision, values and goals identified by the town. This information may be included in the cover letter rather than as a separate document.
- J. *Separation information.* A description and graphic representation of the location of the proposed licensed premises relative to the nearest residentially zoned area and the nearest school serving students in any grade from kindergarten through 12th grade, inclusive.
- K. A public version of the application, as described in subsection 5.13.100.
- L. Such additional information as the authority may require and any forms as the authority may require.

5.13.120. Application review process for new licenses

- A. Initiation. At the instruction of the authority the town clerk or designee may begin a process of selecting new licenses by issuing a request for expression of interest. Within the timeframe set by such a request, any person may submit an application for a license.
- B. Comment. Following the application window described in subsection A, above, the town clerk or designee shall open a public comment period of 21 days during which any person may comment on the received applications for the record. The town clerk or designee shall post notice of such comment period on the town's website. The authority may extend the comment period as necessary, in its determination, to elicit robust public comment. The authority may restrict the form and manner of public comment so as to provide for an orderly process and to foster the pertinence of comments to the selection of factors described in subsection C.2, below. Town departments, including but not limited to, the community services department, the planning and development services department, the public safety department, the finance department, the town clerk's office, may also file recommendations on the applications with the town clerk or designee. Members of these departments who are also members of the selection division shall not participate in the formulation or submission of such recommendations.
- C. Selection.
1. From among the applications received, the selection division shall make recommendations to the authority who may select applications to whom a conditional license is awarded. The number of such conditional licenses, in addition to the number of active licenses within the town, shall not exceed the cap set forth herein. The selection division shall make its selections based on a multi-factor balancing test, considering the totality of the circumstances, with the overall goal of selecting those applications which, taken together and in consideration of any active licenses within the town, provide the greatest benefit to the town and its inhabitants by offering and maintaining the safest environment, the best service, and the fewest negative impacts to the community.
 2. Factors. The following are factors the selection division shall consider and weigh in making this determination:
 - a. Whether the application is for a location already licensed by the state and serving as a retail marijuana store outside the town and proposed to be annexed into the town, which factor shall be

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weighted heavily;

- b. The applicant's experience operating a licensed marijuana business in Colorado, including compliance with state and local laws, or violations thereof;
- c. The degree of moral character of the applicant and the applicant's principal officers, directors, controlling beneficial owners, managers and employees;
- d. The impact of the proposed establishment on the neighborhood surrounding the proposed location, the community as a whole, and the natural environment, and the applicant's commitment to take specific measures to mitigate such impacts;
- e. The convenience of the proposed location to the residents of the town, considering any synergies, redundancies, or conflicts posed by the proposed locations of other marijuana store applications and existing marijuana establishments;
- f. The compatibility of the proposed location with the surrounding properties, including aesthetic considerations;
- g. The apparent conformity of the application to the zoning of the proposed location, as an initial matter and with the understanding that full land use review would follow the award of a conditional license;
- h. The diversity of retail choices the applications would bring to the town;
 - i. The applicant's ability to demonstrate, through a business plan, its ability to operate and develop the proposed establishment in a highly regulated industry;
 - j. The applicant's demonstrated ability to operate an effective and lawful analogous business in the town;
- k. Diversity of ownership of licenses, including consideration of ownership of any active licenses or establishments outside but near the town limits;
 - l. The quality and detail of the proposed security plan, business plan, community outreach plan, and other application materials;
- m. The clarity and duration of the applicant's site control of the proposed location;
- n. The potential for crime in the proposed location;
- o. The degree of detail and completeness provided in the application, and the extent to which the application includes false or misleading information; and
- p. Any other unique benefits the application would present to the inhabitants of the town and any other factors that may be relevant.

3. Grounds for denial. Any application may be denied which violates any of the following restrictions:

- a. No applicant may submit more than one application in response to any request for expression of interest.
- b. No location shall serve as the proposed location for more than one bona fide application in response to any request for expression of interest.
- c. The application does not meet one or more of the applicable criteria set forth herein.

D. Should the authority receive fewer applications than the maximum the authority is authorized to award, or should fewer than such maximum demonstrate an acceptable level of satisfaction of the factors listed in subsection C.2 above, the authority may award fewer licenses than such maximum.

E. Selection order. The authority shall issue a written order stating the determinations of the selection division and a brief explanation of the basis thereof, and awarding any conditional licenses as determined by the authority. Such

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licenses shall be considered approved, but shall not permit marijuana sales or operations under this chapter until they are finalized as described below. The secretary of the authority or the town clerk or designee shall post selection orders online, shall notify the public thereof by publication, and shall notify each affected applicant by certified mail at the address on the application.

- F. Land use review. No license shall become final until the director of planning and development services, or designee, certifies to the authority that the applicant has received all necessary approvals under the land development code (not including permits and approvals required under Title 16 of the Ault Municipal Code) to begin operating within the town as described in the application. As an exception to the provisions of the land development code, decisions of the planning and development services director on application approvals necessary to begin operating within the town as described in the license application shall be final and shall not be appealable to any town body, but shall be reviewable under Rule 106 of the Colorado Rules of Civil Procedure.
- G. Final license. Upon receiving the certification described in subsection F above, for a license, passage of a final inspection as described in subsection 5.13.230, and receipt of all applicable fees due, the authority shall issue a final license allowing a marijuana store.

HISTORY

- Ord. 538, Section 3, 2022
- Ord. 540, Section 1, 2023

5.13.130. Lapse after licensure

- A. Should any licensed premises fail to open for business as a marijuana establishment, with all necessary local permits approved, within six months of the applicable lapse deadline or final licensure, whichever is earlier, or should any licensed premises thereafter discontinue retail marijuana operations for 35 days or more, the license shall lapse and be of no further force and effect. The authority may confirm such lapse by order. No alleged delay on the part of any town staff shall be a defense against lapse under this section. Licensees are encouraged to secure building permits, certificates of occupancy, and other municipal approvals as early as possible.
- B. Exception for modification of premises. After receiving approval from the authority for a modification of premises under section 5.13.180, the licensee may discontinue operations for a period of 6 months from the date of such approval without causing such license to lapse.

5.13.140. Hearings

The authority is authorized to conduct any hearing required by provisions of the Colorado Constitution or state or local laws related to marijuana establishment licensure in the town, or as it deems necessary to make determinations under this chapter. Under no circumstance, however, shall the authority issue a license for an application not selected for approval by the selection committee, nor issue any order that might allow the number of marijuana stores within the town to exceed the cap. The authority shall require any notice of hearings required by state law.

5.13.150. Duty to supplement information

- A. If, at any time before or after a license or other approval is issued pursuant to this chapter, any information required by state or local law or regulations changes in any way from that which is stated in any application, the licensee shall supplement such information in writing to the authority within 14 days from the date upon which such change occurs.

- B. An applicant or licensee has a duty to notify the authority in writing of any pending criminal charge, and any criminal conviction of a felony or other offense involving a crime of moral turpitude by the applicant, any persons who are required to request a finding of suitability by state law or administrative rule, and any other person required by the authority within 14 days of the event.
- C. An applicant or licensee has a duty to notify the authority in writing of any pending criminal charge, or any criminal conviction, whether a felony, misdemeanor, petty offense, or any violation related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marijuana, or any building, fire, health or zoning statute, code or ordinance related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marijuana by any person required to request a finding of suitability by state law or administrative rule, the applicant, principal officer, manager, or employee within 14 days of the event.

5.13.160. Transfer of ownership and changes in business structure

- A. For the purposes of this section, a transfer of ownership shall also include any reallocation of ownership or change in business structure necessitating an application for transfer of ownership or change in business structure under state law, including 1 CCR 212-3 Rule 3-220, as amended. Any transfer of ownership shall be governed by the procedures set forth for transfers of ownership under state law. No such change of ownership may occur except upon the authority's approval of a local application for the change. Any such application shall include all of the information required by this chapter for a license application and must include all financial disclosures required under state law including 1CCR 212-3 Rule 2-230, as amended. Upon receipt of such application, the authority shall schedule a hearing thereon, and shall notify the town clerk of such hearing and afford town staff the opportunity to comment on the application in writing or at the hearing. The authority shall conduct the hearing and grant the application if the application is complete and meets the following standards:
 - 1. No person shall be permitted to become an owner of any license if that person already is an owner of any license within the Town or owns property which houses or leases to an existing marijuana establishment or store.
 - 2. No transfer of ownership shall be approved by the authority until all taxes, fees, fines, penalties, and interest assessed against or imposed upon such licensee and due to the town in relation to the licensed business are paid in full.
 - 3. The moral character, record, and reputation of all proposed owners who are required to request a finding of suitability under state law or administrative rule shall be satisfactory to ensure safe, lawful, and effective management of the marijuana establishment.
- B. Time limitation on transfer of ownership.
 - 1. In general. A transfer of ownership of any license issued pursuant to this chapter shall be prohibited until two years have elapsed since the date the final license is issued by the town.
 - 2. Exceptions. The authority may allow an exception to the general provision of subsection B.1, above, if the application for transfer of ownership includes an affidavit demonstrating:
 - a. The death, or disability preventing management of the store, of an owner;
 - b. That the change in ownership would result in continued ownership of the licensee by at least 50 percent of owners, representing at least 50 percent of the effective ownership of the licensee, included in the application for a new license approved by the authority; or
 - c. That the transfer of ownership is the result of the change in ownership of the licensee company or

the parent company of the licensee, and that in addition to the licensed establishment, the sale encompasses at least one other retail marijuana store or medical marijuana center, located outside the town and licensed by another local jurisdiction.

5.13.170. Change of location

No license may be transferred to another location except upon approval of an application for such transfer. The application shall include all of the submittal materials required for an application for a new license. Upon receipt of such application, the authority shall schedule a hearing thereon, and shall notify the town clerk of such hearing and afford town staff the opportunity to comment on the application in writing or at the hearing. The authority shall conduct the hearing and grant the application if the application is complete and the applicant proves that the change of location will not negatively impact the neighborhood surrounding the new location and will in fact benefit the community as a whole. This approval shall be required in addition to any other approvals required by other provisions of the municipal Code, and such other municipal applications shall proceed under generally applicable procedures including any appeal procedures. A granted application shall allow the transfer on the conditions applicable to an award of a new conditional license, including but not limited to, the provisions of subsections 5.13.120 and section 5.13.130. All requirements and provisions related to renewal and lapse of a license shall apply regardless of the initiation or progression of these proceedings to change a license's location.

5.13.180. Modification of premises or change of plan

A licensee shall not make changes, alterations, or modifications to the licensed premises as described in 1 CCR 212-3 Rule 2-260, as amended, or practices related thereto, that materially or substantially alter the licensed premises or the usage of the licensed premises from the plans submitted in accordance with section 5.13.110 of this chapter and originally approved by the authority without submitting an application for such change, alteration, or modification, and obtaining the approval of the authority to make such proposed modifications. Upon receipt of such application, the authority shall review the application, notify the town clerk of such application and afford town staff the opportunity to comment on the application in writing or at the hearing. The authority may schedule a hearing thereon or approve or deny administratively without a hearing.

5.13.190. Terms of licenses; renewals

- A. Beginning with the date of approval and conditional licensure, any license issued pursuant to this chapter shall be valid for a period of one year. Notwithstanding anything contained in this chapter, a licensee has no vested right to the renewal of a license, and no property right in the renewal of a license. Licenses that are the subject of a suspension, a disciplinary action, a lapse deadline extension, or any other proceeding under this chapter are subject to the requirements of this section. Licenses that are not timely renewed shall expire. The authority shall take no action on any renewal of any license except as described in this section.
- B. A licensee may apply for the renewal of an existing license by filing an application for renewal on forms provided by the authority not less than 30 days but not more than 91 days prior to the expiration of the license. An application for renewal will only be accepted if it is accompanied by the requisite fees and any supplemental materials required by the authority. If the licensee fails to apply for renewal at least 30 days prior to the expiration of the license but does apply prior to the expiration of the license, the authority may process the renewal application if the applicant submits a late filing fee, in addition to the renewal application fee, at the time of

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submittal of the renewal application. The authority may elect to administratively continue the license beyond the expiration date while a renewal application is pending, but in no event shall the license be administratively continued for more than 63 days. Notwithstanding the foregoing, the licensee may also apply for license renewal early if necessary to align the local license renewal with any state license renewal process.

- C. The town shall not accept renewal applications after the expiration date of the license. In the event the license is not renewed prior to expiration, the marijuana establishment shall not operate, and the license shall be considered expired and terminated.
- D. Grounds for denial. The following constitute grounds for denial of a license renewal application:
 - 1. The authority may deny a license renewal for good cause.
 - 2. The authority shall not renew any license that has lapsed.
 - 3. The authority shall not renew any license until the licensee has paid the annual operating fee, if any has been established by the board of trustees, for the following year and until all other taxes, fees, fines, penalties, and interest assessed against or imposed upon such licensee and due to the town in relation to the licensed business are paid in full.
 - 4. The authority shall not renew any license if the licensee has made any materially false statement in any license or renewal application.
 - 5. The authority shall not renew any license if the licensee has failed to maintain a valid state-issued license or does not or cannot meet the requirements of applicable state or local laws or regulations.
 - 6. Any violation of the provisions set forth in this Chapter of the Ault Municipal Code.
- E. Upon receipt of a renewal application, the town clerk or designee shall forward the application to the authority. The authority shall give town staff an opportunity to comment on the application. The authority may hold a hearing on the application. Administratively or following such a hearing, the authority shall issue a decision on the renewal application. Approval of an application for renewal shall renew the license for a period of one year from the original expiration date of the prior licensure or license renewal period, as applicable.

5.13.200. Licensing new premises upon deactivation of a license

- A. If at any time fewer licenses than the cap are active or capable upon satisfaction of conditions of becoming active, by such an event as a lapse, a failure to renew, a voluntary and irrevocable termination of a license submitted by the licensee to the authority, or a revocation, the authority may proceed as set forth in this section to award licenses not to exceed the cap set forth herein.
- B. The authority shall not proceed with selection of new licensees until all opportunities for the prior licensee to reinstate its license, including by a procedurally appropriate court challenge, have been exhausted.
- C. After such exhaustion, the authority shall convene the selection division, and the selection division shall determine whether the applications it has on file in response to the most recent request for expression of interest are recent enough that any such application, if approved, would reasonably be capable of complete implementation by the applicant despite the passage of time. If so, the selection division shall proceed directly to the selection phase of the application review process, as described in subsection 5.13.120. If not, the selection committee shall open a new selection phase with a request for expression of interest, followed by a comment period, as described in section 5.13.120. In either case, the selection committee shall continue the process for awarding new licenses under the remaining procedures described in section 5.13.120.

5.13.210. Fees

- A. Fees shall be applied only in the circumstances allowed under the Colorado Constitution and applicable state and local laws and regulations. Annual operating fees shall apply as a condition of receiving a conditional license and on each annually required license renewal.
- B. The board of trustees may by resolution set fees relating to applications, reviews, reports, licensing, and operations governed by this chapter. Applicants and licensees shall pay all such applicable fees.

5.13.220. Medical marijuana center operations permitted under license

Each license granted under this chapter shall constitute a local license for a retail marijuana store and shall also constitute a local license to operate a medical marijuana center at the licensed location under C.R.S. title 44, art.10; provided that the licensed location continues to make retail marijuana available to the public at the location. Lapse, suspension, revocation, or failure to obtain a necessary renewal of a local license under this chapter, including by reason of failure to sell retail marijuana to the public upon the licensed premises, shall constitute good cause for the refusal of the town to allow medical marijuana center operations to continue under the license. The licensee must comply with all state laws and regulations governing the sale of retail marijuana at the licensed premises, and, if the licensee also sells medical marijuana, all state laws and regulations governing the sale of medical marijuana at the licensed premises and through delivery to residents of the city. Adding or removing medical marijuana center operations from a licensee's plans shall constitute a change of plan under section 5.13.180.

5.13.230. Operational requirements

All marijuana establishments shall comply with the applicable state and local rules and regulations, as amended from time to time, including as stated in the Code of Colorado Regulations 1 CCR 212-3. In addition, licensees shall comply with the following local operational regulations. Failure to comply with any state law or regulation or any of the following operational regulations may be grounds to suspend or revoke any license, or for the imposition of civil penalties where applicable.

- A. *Minimum standards.* A marijuana establishment shall not be permitted to operate until the licensee has acquired all of the necessary permits, licenses, and authorizations, including a certificate of occupancy, and demonstrates implementation of the requirements of this section.
- B. *Compliance with plans.* Marijuana establishments shall fully comply with the security plan, community outreach plan, and any sustainability or employment plan approved by the authority for the location.
- C. *Video surveillance.* Marijuana establishments are required to install a video surveillance system satisfying the minimum standards described below, in addition to the state requirements set forth in Rule 3-225 of 1 CCR 212-3:
 - 1. All surveillance recordings shall be retained for a minimum of 60 days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as being legitimately captured without alterations.
 - 2. In addition to maintaining surveillance recordings in a locked area on the licensed premises, a copy of the surveillance recordings must be stored at a secure off-site location or through a network "cloud" service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the town and updated within 72 hours of any change to the location or provider.
 - 3. Video surveillance records and recordings must be made available immediately upon request of the

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authority or the Ault Police Department.

4. If video surveillance or storage equipment becomes inoperable, or storage network service becomes disabled, the marijuana establishment shall cease all transactions until the equipment or network service is made operable.

D. *Security alarm system.* All marijuana establishments shall install, maintain, and use a professionally monitored security alarm system meeting the following requirements:

1. The system shall provide coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults;
2. The system shall include at least one silent holdup or duress alarm that can be manually triggered in case of emergency;
3. The alarm system must be equipped with a failure notification and a battery backup system sufficient to support a minimum of four hours in the event of a power outage;
4. The alarm system must be monitored by a company that is staffed 24 hours a day, seven days a week. The security plan submitted to the town shall identify the company monitoring the alarm, including contact information, and shall be updated within 72 hours in the event the monitoring company is changed; and
5. The licensee shall maintain for a period of three years reports of any incidents triggering an alarm, and such reports shall be made available to the town during any inspection of the facility.

E. *Secured storage.* All marijuana establishments must install a safe or vault for storage of cash on the premises when the business is closed to the public. The safe or vault must be incorporated into the building structure or secured to the structure in such a manner as to prevent removal.

F. *Proof of age.* The business shall verify the proof of age of every person entering the licensed premises or completing a sale therein, by a form of valid identification listed in 1 CCR 212-3.3-405(C), as amended.

G. *Odor management.* For all marijuana establishments, the odor of marijuana must not be perceptible to an ordinary person at the exterior of the building of the licensed premises or in any space adjoining the licensed premises.

H. *Hours of operation.* Marijuana establishments may only be open to the public between the hours of 9:00 a.m. and 9:00 p.m., daily. No sale, delivery, or other distribution may occur upon the premises outside of those hours. Hours of operation must be posted at the main entry of the store.

I. *Documents to be displayed.* All marijuana establishment and sales tax licenses shall be conspicuously posted inside the establishment near the main entrance.

J. *Registered manager.* No marijuana establishment shall be operated or managed by any person other than the licensee, with the exception of a manager registered with the authority. Such licensee or manager shall be on the premises and responsible for all activities within the licensed business during all times when the business is open. In the event the licensee intends to employ a manager who was not identified on the license application, the licensee shall report the name of such manager to the authority, and such manager shall submit to the authority, at least 28 days prior to serving as a manager, an application containing all of the information required for a manager by this chapter on a license application, and shall submit the requisite fees. A licensee shall report to the authority any change in managers at least 28 days prior to employing an additional manager, and no more than five days after a manager is released from such position. Notwithstanding the foregoing, when a licensee reports to the authority as a new manager a person who holds an active occupational license from the state licensing authority as a key employee and provides proof thereof in the application, the person may begin serving as a manager of the licensee immediately and until such time as the authority acts on the application. Any timely

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report of a change in manager may be approved administratively. However, after a hearing, the authority may refuse to accept any person's registration as a manager upon a determination that the person's moral character, record, or reputation is unsatisfactory to ensure safe, lawful, and effective management of the marijuana establishment.

K. *Inspections.*

1. Grant of authorization. By signing and submitting a license application, the applicant/licensee certifies that the applicant/licensee has received permission from the property owner to allow inspections as may be required under state or local licensing law. In addition, the owner of the premises authorizes town staff designated by the town clerk to enter upon and inspect the premises upon presentation of official credentials. These inspections are part of the routine policy of inspection and enforcement of these regulations for the purpose of protecting the public safety, individuals operating and using the services of the marijuana establishment, and the adjoining properties and neighborhood. This rule shall not limit any inspection authority authorized under any other provision of law or regulation, including those of police, fire, building, and code enforcement officials.
2. Initial inspection. An inspection of the proposed marijuana establishment by the Ault Police Department and Fire District representatives shall be required prior to actual issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any retail marijuana or marijuana products, and prior to the opening of the business to the public. The purpose of the inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted, the applicable requirements of this Article, and any other applicable law, rule or regulation such as building codes.
3. Regular inspections. At a minimum, the town shall be authorized to perform regular inspections on a quarterly basis during the first year following licensure, and on a yearly basis prior to license renewal following the first year of operation.
4. Random inspections. The regular licensing inspection procedures described shall not prevent the town from inspecting marijuana establishments at random intervals and without advance notice.
5. Inspection of records. Upon request, the licensee or manager on duty shall retrieve and provide any relevant business records pertaining to the inspection, including but not limited to, security camera recordings, marijuana inventory manifests, and copies of invoices and receipts. The town may require any licensee to furnish such information as it considers necessary for the proper administration of these regulations.

L. *Reporting of source, quantity, and sales.* The records to be maintained by each marijuana establishment shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include the following information, at a minimum, for both acquisitions from wholesalers and sales transactions:

1. Date, weight, type of marijuana, and dollar amount or other consideration of transaction;
2. For wholesale transactions, the sales and use tax license number of the seller from the State of Colorado and town, if any; and
3. The amount of marijuana within the marijuana establishment.
4. Each year, with the licensee's application for license renewal, the licensee shall submit a report to the authority with this information for the prior operational year. The authority may designate the form of the report.

M. *Reporting of criminal activity.* Reports of all criminal activities or attempts of violation of any law at the marijuana establishment, including the curtilage surrounding the licensed premises and the designated parking area, or related in any way to the marijuana business, shall be reported to the Ault Police Department by the licensee within 12 hours of occurrence. Additionally, any violation of any law by any licensee, controlling beneficial owner, manager, principal officer, or applicant of the marijuana business shall be reported to the authority within 72 hours.

5.13.240. Unlawful acts

- A. It shall be unlawful for any person under 21 years of age to be on or within the limited access area of any marijuana establishment.
- B. It shall be unlawful for any person to engage in any form of business or commerce or activity involving the cultivation, processing, manufacturing, storage, sale, distribution, testing, or consumption of any form of marijuana other than those forms of businesses and commerce and activities expressly contemplated under the applicable license by state law and this chapter.
- C. It shall be unlawful for any person to display, transfer, distribute, serve, sell, give away, allow consumption of, or dispose of any marijuana in a public place.
- D. It shall be unlawful for any person who is the holder of a license issued pursuant to this chapter or any manager or employee of such licensee to fail to immediately report to the department of public safety any disorderly conduct or criminal activity occurring at the location, on the premises, or within the licensed premises set forth on the license. For the purposes of this subsection, the terms "location" and "premises" shall have that meaning and definition set forth in C.R.S. § 44-10-103, and the term "licensed premises" shall have the meaning and definitions set forth in this chapter, and the term "report" shall mean to either:
 - 1. Immediately, verbally, and directly in person notify any on-site uniformed police officer;
 - 2. Place and complete a phone call to the non-emergency dispatch telephone number for the department of public safety; or
 - 3. Place and complete a telephone call to the emergency 911 operator.
 - 4. Contacting individual officers out of uniform or not directly on the licensed premises shall not suffice as a report within the meaning of this subsection.
- E. It shall be unlawful for any person to be an owner of more than one marijuana store licensed pursuant to this chapter.
- F. It shall be unlawful for any person to exercise any of the privileges granted by a license other than the person issued the license.
- G. It shall be unlawful for any person granted a license to allow any other person to exercise any privilege granted under their license.
- H. It shall be unlawful for any person to operate or be in physical control of any marijuana establishment while under the influence of any intoxicant, including but not limited to, marijuana, fermented malt beverage, malt, vinous, or spirituous liquor, or a controlled substance.
- I. It shall be unlawful to possess extraction vessels, or butane (except within lighters or butane torches designed for personal use), propane, compressed CO₂, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, on the licensed premises.
- J. It shall be unlawful to violate or permit any person to violate any provision of this chapter or any condition of approval placed upon a license granted pursuant to this chapter, or any law, rule or regulation applicable to the

use of marijuana or the operation of a marijuana establishment.

- K. It shall be unlawful to operate a marijuana establishment without a license from the town and the state.
- L. It shall be unlawful to operate a marijuana establishment in a manner that is not consistent with the application, or is in violation of any plan or condition made part of the license application.
- M. It shall be unlawful to operate a marijuana establishment without obtaining and passing all building and fire inspections and obtaining all permits required by the town.
- N. It shall be unlawful to operate a marijuana establishment in violation of any building, fire, zoning, plumbing, electrical, or mechanical codes as adopted and amended by the town.
- O. It shall be unlawful to modify or allow any modification to the licensed premises without approval of the authority.
- P. It shall be unlawful to use or display a license at a different location or for a different business entity than in the location and business entity disclosed on the application for the issued license.
- Q. It shall be unlawful to own or manage a marijuana establishment in which another person cultivates, produces, distributes, or possesses marijuana, in violation of this chapter or any other applicable law.
- R. It shall be unlawful to operate or possess a marijuana establishment in violation of this chapter, any ordinance of the city or any state law or regulation.

5.13.250. Disciplinary actions, sanctions, and civil penalties

- A. A violation of any of the provisions of this chapter, other applicable provisions of this Code, any applicable state law, or any of the rules or regulations adopted pursuant thereto related to the cultivation, processing, manufacture, storage, sale, distribution, testing, or consumption of any form of marijuana, or any violation of any terms and conditions of a license issued by the authority pursuant to this chapter, may be grounds for additional terms and conditions being placed upon a license, for the denial of an application to renew a license, or for the suspension or revocation of a license.
- B. If the authority has probable cause to believe that a licensee has violated any provision of this chapter or engaged in conduct which imposes an undue risk to the public health, safety or welfare, the authority may enter an order for the summary suspension of such license, pending further investigation and hearing. No summary suspension shall be for a period exceeding 30 days.
- C. The authority may, after notice and hearing, impose a civil penalty, or suspend or revoke any license if the authority finds that:
 - 1. The licensee has failed to pay all required fines, costs and fees;
 - 2. The licensee has failed to file tax returns when due as required by town Code or Ordinance, or the licensee is overdue on his or her payment to the town of taxes, fines, interest, or penalties assessed against or imposed upon such licensee in relation to the licensed business;
 - 3. The licensee has made any false statement in the license or renewal application;
 - 4. The licensee has failed to comply with his or her duty under section 5.13.150 to supplement the license application;
 - 5. The licensee has failed to file any reports, notifications, or furnish any information as required by the provisions of this Code, state law, or any rule or regulation adopted pursuant thereto relating to the operation of the marijuana establishment;
 - 6. The licensee has refused to allow an inspection or intentionally obstructs, impairs or hinders the inspection of the licensed premises as authorized by the town Code or Ordinance or state law, by using or threatening to use violence, force, or physical interference or obstacle;

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7. The licensee has failed to operate the marijuana establishment in accordance with state law, town Code or Ordinance, any applicable building, fire, health or zoning statute, code, ordinance, or any rule and regulation adopted pursuant thereto, or of any special term and condition placed upon a license by the authority;
 8. The licensee has knowingly permitted or encouraged, or has knowingly and unreasonably failed to prevent a public nuisance within the meaning of this Code from occurring in or about the licensed premises;
 9. The licensee has failed to comply with its security plan or other plans or materials included in its application;
 10. The licensee, or any of the agents or employees of the licensee, have committed any unlawful act as described in this chapter or violated any ordinance of the town or any state law on the premises or have permitted such a violation on the premises by any other person;
 11. The licensee engaged in any form of business or commerce in the town involving the cultivation, processing, manufacturing, storage, sale, distribution, testing, or consumption of any form of marijuana other than the privileges granted under their license;
 12. The licensee has materially or substantially changed, altered, or modified the licensed premises, or use of the licensed premises, without obtaining prior approval to make such changes, alterations, or modifications from the authority;
 13. The licensee has failed to maintain a valid state-issued license; or
 14. The odor of marijuana is perceptible to an ordinary person at the exterior of the building at the licensed premises or is perceptible within any space adjoining the licensed premises.
- D. The authority, in its sole discretion, may permit the licensee to pay a fine in lieu of license suspension or in lieu of part of the duration of a license suspension. Any fine imposed in lieu of a suspension by the authority shall not be less than \$500.00 and not more than \$100,000.00.
- E. Any suspension of a license shall not be for a period longer than six months.
- F. The authority may impose the costs to conduct a public hearing upon a licensee who has violated any of the provisions of this chapter. The costs to conduct such a public hearing shall be established by the authority.
- G. Payment of any fine or costs pursuant to this section shall be in the form of cash or in the form of a certified check or cashier's check made payable to the town or with a credit card payment subject to applicable processing fees.
- H. In connection with the suspension of a license, the authority may impose reasonable conditions upon the license.
- I. In deciding whether a license should be suspended or revoked in accordance with this section, in deciding what conditions to impose in the event of a suspension, if any, and in deciding whether to allow payment of a fine in lieu of license suspension, the authority shall consider:
1. The nature and seriousness of the violation;
 2. Corrective action, if any, taken by the licensee;
 3. Prior violations, if any, at the licensed premises by the licensee, the recency of such violations, and the effectiveness of any prior corrective action;
 4. The likelihood of recurrence;
 5. All circumstances surrounding the violation;
 6. Whether the violation was willful, knowing, or reckless;
 7. The length of time the license has been held by the licensee;
 8. Previous sanctions, if any, imposed against the licensee; and
 9. Any other factor making the situation with respect to the licensee or the licensed premises unique or the

violation of greater concern.

- J. If the authority finds that the license should be suspended or revoked or a fine imposed for all or part of a suspension, or conditions should be imposed upon the license, the licensee shall be provided written notice of such fine, suspension, conditions imposed, or revocation and the reasons therefor within 35 days following the date of the hearing.
- K. If the authority suspends or revokes a license, imposes conditions, or imposes a fine in lieu of all or part of a suspension, the licensee may appeal the fine, suspension, or revocation pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The licensee's failure to timely appeal the decision is a waiver of the licensee's right to contest the fine or conditions imposed or the suspension or revocation of the license.
- L. No fee previously paid by a licensee in connection with a license shall be refunded if the licensee's license is suspended or revoked.

5.13.260. Criminal penalties

Violation of any provision of this chapter or commission of any unlawful act described in section 5.13.240 shall be punishable under the general penalty of this Code as described in Chapter 1.12. Each and every day a violation of the provisions of this chapter is committed, exists, or continues shall be deemed a separate offense.

5.13.270. Other remedies

The town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove any violation or unlawful act under this chapter, and any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

5.13.280. Rules and regulations

- A. The authority may make such reasonable rules and regulations as may be necessary for the purpose of administering and enforcing the provisions of this chapter and any other ordinances or laws relating to and affecting the licensing and operation of marijuana establishments.
- B. It shall be unlawful for any person to violate a rule or regulation adopted by the authority pursuant to this section.

5.13.290. License fees and charges

Applicants for marijuana establishment licenses and existing licensees shall pay the following fees:

Fee	Description	Amount
New License Application Fee	Covers Town review of applications also submitted to the State	\$2500 application fee received from the State
Annual Operating Fee	Due upon final licensure and as a prerequisite for annual license renewal	\$5000
Late Renewal Application Fee		\$1000
Extension of Lapse Deadline Application Fee		\$3000
Transfer of Ownership or Change in Business Structure Application Fee		\$3000
Change of Location Application Fee		\$3000
Modification of Premises or Change of Plan Application Fee		\$3000

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Manager Registration Fee	\$500
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The fees above apply to each license issued. The appropriate fees must be paid in conjunction with any application or request before the Town will process or act upon forms submitted. Except as indicated above, all fees are non-refundable in their entirety. No fees previously paid by a licensee in connection with a license shall be refunded if the licensee's license is subsequently suspended or revoked.

5.13.300. Location Restrictions

Prior to approving an application for a marijuana establishment or store, the Authority shall determine whether the proposed location complies with the requirements of this section and Town's Development Plan and Land Use Code Failure to comply with the requirements of this section, the Town's Development Plan and the Ault Land Use Code shall preclude approval and issuance of a license.

- a. Each marijuana establishment shall be operated from a permanent location. No marijuana establishment shall be permitted to operate from a moveable, mobile, or transitory location.
- b. A marijuana establishment may be located only in zoning districts in which marijuana establishments are listed as a permitted use (either by right or conditional) under the Town's Development Plan and Land Use Code and only in compliance with all lawful zoning processes set forth therein.
- c. A permitted retail marijuana establishment may be co-located with a permitted medical marijuana establishment if the two are under the same ownership subject to compliance with this Article, the Colorado Marijuana Code, and all applicable state and local regulations.
- d. No license shall be issued for a location within one thousand (1000) feet of a school, library, alcohol or drug treatment facility, or a licensed childcare facility existing at the time of the submittal of an applicant's application.
- e. Nothing in this section shall prohibit marijuana businesses of different classes held under one ownership from being located within the same premises or on the same lot, subject to the other provisions of this Article.
- f. The foregoing distance requirements shall be computed by direct measurement in a straight line from the nearest property line of the land used for a school, alcohol or drug treatment facility or licensed childcare facility or licensed or approved marijuana establishment to the nearest portion of the building in which the marijuana establishment that is the subject of the application is proposed to be located.

HISTORY

- Ord. 540, Section 1, 2023
- Ord. 540, Section 1, 2023

5.13.310. Right of Entry—Records to be maintained and inspection procedures

- A. Each licensee of a retail marijuana establishment shall keep and maintain a complete set of books of accounting, invoices, copies of orders and sales, shipping receipts, bills of lading, correspondence, and all other records necessary to fully document the business transactions of such licensee. The licensee shall also maintain records which verify that the amount of marijuana within the retail marijuana establishment does not exceed the amount allowed. All such records shall be open at all times during business hours for inspection and examination by the Town Manger, the Town's police officers, or their duly authorized representatives. The Town may require the licensee to furnish such information as it considers necessary for the proper administration of this Article. The records shall clearly show the source, amount, price and dates of all retail marijuana received or purchased, and

the amount, price, and dates for all retail marijuana sold.

- B. By accepting the retail marijuana establishment license, licensee consents to the disclosure of the information required by this Section.
- C. The Town may require an audit of the books of account and records of the retail marijuana establishment as it may deem necessary. Such audit shall be made by an auditor selected by the Town, who shall have access to all books and records of such licensee. The expense of any audit determined to be necessary by the Town shall be paid by the Town; provided, however, should the audit reflect a failure of the licensee, in whole or in part, to timely remit all sales taxes, occupation taxes or excise taxes due to the Town, the expense of the audit shall be paid by the licensee.
- D. The acceptance of a retail marijuana establishment license from the Town constitutes consent by the licensee, owners, business managers and employees of such business to permit the Town Administrator, Town police officers, the local fire district, or their representatives to conduct routine inspections of the licensed retail marijuana establishment to assure that the retail marijuana establishment and the premises are being operated and maintained in accordance with the terms set forth in the application and that all operations in the premises remain in compliance with this Article, the Colorado Retail Marijuana Code, and any rules or regulations promulgated thereunder.
- E. All marijuana establishments shall be required to obtain applicable State and Town licenses and shall collect and remit all applicable State, County and Town sales taxes, occupation taxes and excise taxes in a timely manner.

5.13.320. Signage and advertising

- A. All exterior signage associated with the marijuana establishment must meet the standards established in the Town's Development Plan and the Ault Land Use Code. In addition, no exterior signage shall use the word "marijuana", "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana. All signage for a marijuana business shall comply with the requirements of Chapter 16.07 of the Ault Municipal Code and the Colorado Marijuana Code. In addition, no sign shall contain:
 - 1. Any nickname or abbreviation of "Marijuana" or slang name used for marijuana.
 - 2. Any photograph or likeness of smoke or any person smoking marijuana.
 - 3. Any photograph or likeness of any cigarette or cigarette type apparatus or any paraphernalia for inhaling marijuana smoke or vapors.
- B. A marijuana establishment may not advertise in a manner that is misleading, deceptive, false or is designed to appeal to minors.
- C. Except as otherwise provided in this Section, it shall be unlawful for any person licensed under this Article or any other person to advertise any marijuana establishment or any marijuana product anywhere within the Town where the advertisement is in plain view of, or in, a place open to the general public, including advertising and using any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle; any handheld or other portable sign; or any hand bill, leaflet or flyer directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this Section shall not apply to:
 - 1. Any sign located on the licensed premises of a marijuana establishment which exists solely for the purpose of identifying the location of the premises and which otherwise complies with this Article, the Town's Development Plan and the Ault Land Use Code and any other applicable Town laws and regulations; or
 - 2. Any advertisement contained within a newspaper, magazine, or other periodical of general circulation

within the Town or on the internet.

- D. No marijuana establishments shall distribute or allow the distribution of any marijuana without charge within a marijuana establishment or at any other place in the Town for purposes of promotion, advertising, or any other similar purpose.

Chapter 5. 20 Peddlers, Solicitors and Transient Merchants

Sections:

- 5. 20. 010 Solicitors, Canvassers, Door to Door Salespersons
- 5. 20. 020 Violation
- 5. 20. 030 Validity

5. 20. 010. Solicitors, Canvassers, Door to Door Salespersons

- A. No person shall enter or remain upon the premises of a private residence within the Town, without first having been invited or requested by the occupant(s) thereof, for any purpose involving contacting said occupant(s) to solicit the immediate or future sale of goods, services or other things of value. The provisions of this section shall not apply to charitable, religious or political solicitations or the solicitation of newspaper or magazine subscriptions, unless a "No Solicitation" or "No Trespassing" sign has been posted in a conspicuous place at or near the entrance to the premises.
- B. No person shall enter or remain upon the premises of a private residence within the Town, where a "No Solicitation" or "No Trespassing" sign has been posted in a conspicuous place at or near the entrance to the premises, without first having been invited or requested by the occupant(s) thereof, for any purpose of contacting said occupant(s) to solicit the immediate or future sale of goods, services or other things of value, or for solicitations of a charitable, religious or political nature, or the solicitation of newspaper or magazine subscriptions.
- C. No person shall attempt to obtain, by telephone or otherwise, an invitation to visit or enter any private residence for the purpose of soliciting the purchase or sale of goods, services or other things of value, or for the solicitation of a religious, charitable or political nature, by knowingly making a false or deceptive representation or statement.

5. 20. 020. Violation

Any person violating any provision of this Ordinance shall be penalized according to Section 1.12.010 for each violation.

HISTORY

- Original
- Ord. 540, Section 1, 2023

5. 20. 030. Validity

Should any section, clause, sentence or part of this Ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and/or invalid, such adjudication shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 474; 2014)

Title 6 - Animals

Chapters:

6. 04 Animal Control

Chapter 6. 04 Animal Control

Sections:

6. 04. 010 Definitions

6. 04. 020 Control Required- -Running at Large Prohibited When

6. 04. 030 Dog and Cat License- -Required

6. 04. 040 License- -Exemptions

6. 04. 050 License- -Term and Time for Licensing

6. 04. 060 License- -Rabies Vaccination Certificate Required

6. 04. 070 License- -Fee

6. 04. 080 License- -Issuance Conditions

6. 04. 090 License- -Tag Requirements

6. 04. 100 License- -Duplicate Tags- -Ownership Changes

6. 04. 110 Rabies Control

6. 04. 120 Confinement of Female Dogs and Cats in Estrous

6. 04. 130 Animal Defecation- -Owner Responsibility

6. 04. 140 Nuisance Animals Designated

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6. 04. 160 Animal Bites- -Report and Animal Quarantine Requirements

6. 04. 170 Certain Animals Prohibited

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6. 04. 180 Vicious Animal

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6. 04. 220 Impoundment Authorized When- -Prosecution for Violations

6. 04. 230 Redemption Conditions

6. 04. 240 Livestock- -Impoundment Conditions

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6. 04. 260 Redemption of Impounded Animals- -Conditions

6. 04. 270 Impoundment- -Disposition of Unredeemed Animals

6. 04. 280 Impoundment- -Records Required

6. 04. 290 Fees- -Amendment Authorized When

6. 04. 300 Animal Care- -Unlawful Activities Designated

6. 04. 310 Protective Custody for Animals Receiving Inhumane Treatment

6. 04. 320 Enforcement- -Obstructing an Officer Prohibited

6. 04. 330 Damaging Impoundment Facility Prohibited

6. 04. 340 Chicken Regulations

6. 04. 400 Violation- -Penalty

6. 04. 010. Definitions

As used in this chapter, the following words have the following meanings:

- A. "Animal" means any live, vertebrate creature, domestic or wild, except man.
- B. "Animal Shelter" or "Impoundment Facility" means a facility in which to impound animals held by the Town, or humane society, pursuant to agreement or contract, acting for the Town.
- C. "At Large" means off the premises of the owner and not under the control of the owner.
- D. "Town" means the Town of Ault, Colorado.
- E. "Code Enforcement Officer" means a peace officer so designated by law, the Ordinances of the Town or by written order of the Chief of Police to enforce the provisions of this chapter.
- F. "Control" is defined in Section 6. 04. 020.
- G. "Kennel" means any premises wherein any person engages business of boarding, breeding, buying, letting for hire, training for a fee or maintaining more than four (4) animals over the age of six (6) months.
- H. "Leash" or "Lead" means a thong, cord, rope, chain or similar device which holds an animal in restraint, and which is not more than ten (10) feet long.
- I. "Livestock" means any bovine animal, horse, mule, ass, cow, sheep, goat, swine or similar animal.
- J. "Neighborhood" means the area within five hundred (500) feet of exterior boundaries of the premises where the animal is kept.
- K. "Owner" means any person, partnership or corporation owning any animal or animals, or having the same in his or its care, custody or control, or who causes, encourages or suffers the same to remain upon their premises for a period of three (3) consecutive days or more.
- L. "Pet" means any animal customarily kept for pleasure rather than for utility.
- M. "Pet Shop" means the premises of any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys or sells animals on a regular basis.
- N. "Premises" means real property owned, rented, leased, used, kept or occupied by a person or persons, a partnership, a corporation or government unit, howsoever described.
- O. "Public nuisance" means any animal that:
 - 1. Menaces or attacks persons or vehicles;
 - 2. Menaces or attacks other animals;
 - 3. Goes upon school premises without permission of the person in charge thereof;
 - 4. Is at large;
 - 5. Damages private or public property;
 - 6. Barks, howls, yelps, bawls or makes other loud noise in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous;
 - 7. Being female in estrous, 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 premises;

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8. Is in a public park with the exception of seeing-eye dogs, dogs trained as ears for the deaf, government-owned dogs or animals participating in shows or exhibits that are conducted in compliance with officially sanctioned activities;
 9. Any other act or condition in this chapter designated as a public nuisance.
- P. "Rabies Vaccination" means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health.
- Q. "Trap" means any device used to contain or capture an animal.
1. "Humane Trap" means any trap which does not cause injury to the animal trapped.
 2. "Inhumane Trap" means any trap which causes injury to the animal trapped.
- R. "Service Dog" shall mean any dog trained and used as a guide or aid to the blind, deaf, or disabled.
- S. "Veterinary Hospital" means any premises upon which a licensed veterinarian performs surgery, makes diagnoses and treats diseases or the injuries to animals.
- T. "Vicious Animal" means any animal that constitutes a threat to the well-being or safety of human beings or other animals.
- U. "Wild Animal" means any monkey (nonhuman primate), raccoon, skunk, poisonous snake or reptile, jaguar, cheetah, mountain lion, wildcat, panther, margay or any other species of cats other than ordinarily domesticated house cats, any bear, any nonpoisonous snakes longer than six (6) feet, any crocodile or alligator longer than one (1) foot, any badger, prairie dog, beaver, muskrat or bat, or any wolf, coyote, fox or other species of canine other than ordinarily domesticated dogs. (Ord. 339, 1992)

HISTORY

- Original
- Ord. 500, 2017

6. 04. 020. Control Required- -Running at Large Prohibited When

- A. All animals shall be kept under control. No owner shall permit such animals to run at large within the Town. If any animal is found at any place within the Town other than upon the premises of its owner, the owner is presumed to have violated this section.
- B. Dogs. A dog shall be considered running at large when it is neither on the premises of the owner, harborer or keeper, nor under the owner's, harborer's or keeper's control by a leash ten (10) feet or less in length, attached to the dog and held by or tied to a person. No dog shall be permitted within any park in the Town nor shall any dog be permitted within the Town Cemetery whether on a leash or not, except service dogs or animals participating in show or exhibits that are conducted in compliance with officially sanctioned activities.
- C. Cats. Any cat found at any place within the Town other than upon the premises of its owner shall be deemed to be at large.
- D. Livestock. No horses, asses, mules, cattle, sheep, swine, or goats shall be herded or tied up on any street, alley, ditch-bank or public ground in the Town.
- E. Exclusions. This section shall not apply to seeing-eye dogs accompanied by their masters, nor dogs participating in dog shows, dog exhibits and activities are conducted in compliance with the requirements of this Code, nor animals in Town for special events.

(Ord. 339, 1992)

6. 04. 030. Dog and Cat License- -Required

The owner, keeper, harborer or any other person who has assumed the responsibility for any dog or cat within the Town shall secure a license for such dog or cat from the Clerk. (Ord. 339, 1992)

HISTORY

- Original
- Ord. 500, 2017

6. 04. 040. License- -Exemptions

No license shall be required for any dog or cat under the age of six (6) months. No license shall be required for any dog or cat held for sale by any kennel or pet shop authorized to carry on business in the Town. A license shall be required for seeing-eye dogs, but all license fees shall be waived. No license shall be required for dogs or cats brought into the Town for less than a thirty-day period and if licensed by another municipality.

(Ord. 339, 1992)

6. 04. 050. License- -Term and Time for Licensing

License issued for dogs and cats can be issued for one (1), two (2), or three (3) year terms based upon the expiration of the most recently administered rabies vaccine, and the available term length shall be set by the Town Clerk or designee at the time of issuance. The license period shall be from the date of application until the expiration of the license or the rabies vaccine, whichever is earlier. Dog and cat licenses shall be licensed no later than thirty (30) days from the date they are brought into the Town.

(Ord. 339, 1992)

HISTORY

- Original
- Ord. 539, Section 3, 2023

6. 04. 060. License- -Rabies Vaccination Certificate Required

In order to entitle any applicant to a license under the provisions of this chapter, such applicant shall produce and display to the Clerk a certificate issued by a licensed doctor of veterinary medicine certifying that the dog or cat has been vaccinated for rabies, and that such vaccination's expiration dates shall coincide with the expiration of the animal license.

(Ord. 339, 1992)

HISTORY

- Original
- Ord. 539, Section 3, 2023

6. 04. 070. License- -Fee

Each applicant for a license shall be required to pay a fee of five dollars (\$5.00) for a one year license, ten dollars (\$10.00) for a two year license, and fifteen dollars (\$15.00) for a three year license for each dog or cat which has been neutered or spayed, and a fee of twenty dollars (\$20.00) for a one year license, forty dollars (\$40.00) for a two year

license, and sixty dollars (\$60.00) for a three year license for each dog or cat which has not been neutered or spayed. The owner must be able to provide bona fide proof of such spaying or neutering. All license fees shall become delinquent, subject to a five-dollar (\$5.00) penalty, if not paid before the first day after the expiration of the animal's license.

(Ord. 339, 1992)

HISTORY

- Original
- Ord. 539, Section 3, 2023

6. 04. 080. License- -Issuance Conditions

The Clerk shall issue each person making proper application and payment of fees, as provided in this chapter, a license for each dog or cat. The Clerk or designee shall keep a suitable register for the registration of dogs and cats, and shall keep a record of the date of registration, the name, sex, breed and color of each dog and cat, the place where the same shall be kept, and any other information deemed necessary for the safety of both the animals and community.

(Ord. 339, 1992)

HISTORY

- Original
- Ord. 539, Section 3, 2023

6. 04. 090. License- -Tag Requirements

- A. The Clerk shall furnish to the person causing the dog or cat to be registered a suitable tag bearing a number corresponding to that of the license issued of such dog or cat shall be provided to its owner, keeper or harbinger with a collar or harness of suitable material, to which such license tag shall be securely fastened, and its owner shall keep such collar or harness with such tag fastened thereto on such dog or cat.
- B. It is unlawful for any owner, keeper, harbinger or any other person who has assumed the responsibility for a dog or cat to permit such dog or cat to wear any license tag other than the one issued by the Town for the dog or cat.

(Ord. 339, 1992)

HISTORY

- Original
- Ord. 539, Section 3, 2023

6. 04. 100. License- -Duplicate Tags- -Ownership Changes

- A. In the event a tag issued pursuant to this chapter is lost or destroyed, a new or duplicate tag may be obtained from the Clerk upon payment of a fee of one dollar (\$1.00).
- B. In the event the ownership of a licensed dog or cat is changed, the new owner(s) shall provide the Town Clerk or designee with all information necessary to update the new information changes to the dog's or cat's license record.

(Ord. 339, 1992)

HISTORY

- Original
- Ord. 539, Section 3, 2023

6. 04. 110. Rabies Control

The owner of every dog or cat over the age of six (6) months shall cause such dog or cat to be inoculated against rabies and such owner shall obtain from a licensed veterinarian a rabies vaccination certificate and tag. The tag shall be required to be attached to the collar or harness, as required in Subsection A of Section 6. 04. 090. (Ord. 339, 1992)

HISTORY

- Original
- Ord. 500, 2017

6. 04. 120. Confinement of Female Dogs and Cats in Estrous

The code enforcement officer may order any unspayed female dog or cat that is in a stage of estrous (heat) and is not properly confined, or 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 such 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. 339, 1992)

6. 04. 130. Animal Defecation- -Owner Responsibility

- A. Any owner taking the animal upon public way or public property shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal.
- 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.
- C. It is unlawful for any owner, keeper or harbinger of any animal to take on or allow any animal to run free in the parks or cemetery of the Town, with the exception of service dogs.

(Ord. 339, 1992)

6. 04. 140. Nuisance Animals Designated

- A. Any animal that menaces or attacks persons, vehicles or other animals, goes upon school premises without the permission of the person in charge thereof, damages, destroys or injures any shrubbery, plants, flowers, lawn, fence or other property, either private or public, is declared to be a public nuisance, and the owner shall be deemed responsible for the actions of the animal.
- B. Areas in which animals are kept shall be maintained in a manner which does not create odors, dust, noise or drainage offensive to the senses of smell, hearing or sight, thereby constituting a hazard of nuisance to the use or employment of adjoining parties.

(Ord. 339, 1992)

6. 04. 150. Noisy Animals

- A. It is unlawful for the owner, keeper, harbinger or any other person who has assumed the responsibility for an animal

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to permit such animal kept in any yard, house or other place to bark, howl, yelp, bawl or make other loud and persistent noise in a manner which, under non-mitigating circumstances, could be considered by a reasonable person of ordinary sensibilities as excessive or continuous.

- B. The code enforcement officer, police officer or other designated officer of the Town shall have authority without liability to use all reasonable means to abate such 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 dwelling or other building upon the owner's premises.
- C. Upon impoundment of an animal for violation of this section, such officer, or any of them, shall attempt to notify 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 the opportunity to reclaim the animal from impoundment.

(Ord. 339, 1992)

6. 04. 160. Animal Bites- -Report and Animal Quarantine Requirements

- A. The owner of any animal that bites a human being shall report the occurrence to the code enforcement officer when known to him or reported to him and shall provide such further information requested by the code enforcement officer.
- B. Any animal that bites a human being shall be quarantined pursuant to one (1) of the following procedures for a period of not less than ten (10) days:
 - 1. The code enforcement officer in his discretion may allow the animal to be quarantined on the owner's premises. Otherwise, the animal shall be quarantined in the animal shelter or a veterinary hospital at the expense of the owner. If the animal is quarantined in the animal shelter, the owner shall be assessed a fee for each day the animal remains at the shelter; the fees will be set by the animal shelter or veterinary hospital.
 - 2. Every person having knowledge thereof shall report to the code enforcement officer any suspected or positively diagnosed occurrence of rabies, and any biting by any suspected or confirmed a rabid animal.
 - 3. No person shall kill any suspected or confirmed rabid animal except in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal.
 - 4. No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found.
 - 5. If rabies has been diagnosed by a veterinarian or medical doctor in any animal, 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 the Department of Health.
 - 6. If standard rabies incubation period has not been established for a particular species of animal, any animal of that species that has been diagnosed as rabid, or is reasonably suspected of being rabid, it shall be summarily destroyed, and if involved with another animal or human, a necropsy shall be performed to determine if the other animal is contaminated by rabies.
 - 7. When there has been a positive diagnosis of rabies within the Town, the Chief of Police may declare a town-wide quarantine for a reasonable period of time. 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 code enforcement officer.

(Ord. 339, 1992)

6.04.170. Certain Animals Prohibited

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Town:

- A. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats, ducks, geese, or other fowl,; but excluding hen chickens (6.04.340), ferrets and small rodents of varieties used for laboratory purposes).
- B. Any animal having poisonous bites.
- C. The Board of Trustees may grant special permission on a case-by-case basis for exotic animals otherwise prohibited.

(Ord. 339, 1992)

6.04.175. Livestock Prohibited

It shall be unlawful for any person, association, partnership or corporation to stable, pasture, maintain, or keep any livestock within the Town, unless allowed by zoning as identified in Title 16 of the Ault Municipal Code, or by which livestock were granted special permission by the Board of Trustees based on a prior use. Prior Code 8.16.030 (Ord. 152 (part) 1968)

6.04.180. Vicious Animal

- A. "Vicious Animal" means:
 - 1. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animal;
 - 2. Any animal which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
 - 3. Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
 - 4. Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.
- B. 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 of the following persons:
 - 1. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
 - 2. Any person engaged in the unlawful entry into the animal owner's automobile or other vehicle wherein such animal is confined;
 - 3. Any person engaged in attempting to stop a fight between such animal and another animal;
 - 4. Any person engaged in attempting to aid such animal when it is injured.
- C. For the purpose of this section, a person is lawfully upon the private property of such owner when he is on the

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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.

- D. It is the duty of the code enforcement officer, police officer or other designated officer of the Town to investigate all complaints concerning vicious or dangerous animals. After such investigation, the officer shall determine whether such animal is vicious or dangerous.
- E. If the code enforcement officer, or any such police officer of the Town, deems an animal to be vicious, he may issue a written warning to the owner of such animal, stating his determination that such animal is vicious, and shall request the owner to comply with the requirements of Subsection F through I of this section for vicious animals; and he may cause charges to be filed in municipal court against the owner.
- F. Confinement. The owner of a vicious animal shall not suffer or permit the animal to go unconfined. A vicious animal is "unconfined" if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.
- G. Leash and Muzzle. The owner of a vicious animal shall not suffer or permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a chain or leash and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human or other animal.
- H. Signs. The owner of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the kennel of the animal.
- I. Insurance. Owners of a vicious animal must provide proof to the Town of a public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious animal.

(Ord. 339, 1992)

6. 04. 190. Disposal of Animals by Court Order- -Conditions

If a complaint has been filed in the municipal court of the Town against the owner, keeper, harbinger or any other person who has assumed responsibility for any animal within the Town for violation of this chapter, the municipal court judge shall have the authority, upon making the finding that such animal constitutes a nuisance or that such animal is a vicious animal, and further, that such animal, as a result constitutes a real and present danger to the citizens of the Town, to order that the animal be destroyed in a humane fashion.

(Ord. 339, 1992)

6. 04. 200. Accidents Injuring Animals- -Reports Required

Any person who, while driving a motor vehicle, strikes or injures any domestic animal shall:

- A. Stop immediately and report the incident to the owner of the animal;

- B. If, after reasonable searching, the driver cannot locate the owner, immediately report the incident to the code enforcement officer.

(Ord. 339, 1992)

6. 04. 210. Dead or Injured Animals

Animals killed or injured on or along public streets are considered to have been running at large, and the code enforcement officer, police officer or other designated officer of the Town may remove such animals therefrom and, in his discretion, may take those animals needing medical attention to the animal shelter or a veterinarian. The owner of any animal receiving such medical attention shall be responsible for any cost of treatment of such animals up to seventy-five dollars (\$75.00) for unclaimed animals.

(Ord. 339, 1992)

6. 04. 220. Impoundment Authorized When- -Prosecution for Violations

- A. It shall be lawful for the code enforcement officer, police officer or other designated officer of the Town to impound dogs and cats which have been found running at large, or to return the dog or cat to the owner, keeper, harbinger or any other person who has assumed the responsibility of the dog or cat and issue to such person a penalty assessment citation or summons and complaint citation for violation of this chapter.
- B. It shall be no defense to a prosecution under Subsection A of Section 6. 04. 020 that the dog or cat alleged to have run at large was impounded in connection to the incident, nor shall the payment of a redemption fee protect the owner, keeper, harbinger, or the other person who has assumed responsibility for the dog or cat from prosecution for a violation of the provisions of this chapter.

(Ord. 339, 1992)

6. 04. 230. Redemption Conditions

The person desiring to redeem any dog or cat shall be obligated to pay a redemption fee if a license was in effect for the dog or cat at the time of impoundment. If not, the redemption fee shall be increased by an amount as determined in the Town fee schedule, as adopted per Resolution of the Board. As an additional condition to the right to redeem, the owner, keeper, harbinger, or other person who has assumed the responsibility for the dog or cat must, within five (5) days, have secured a license, produced a vaccination certificate for the dog or cat, and pay the fee required by this chapter. Any animal which has been impounded and redeemed by the owner, keeper, or harbinger of such animal within the five-day retention period shall be released to such owner, keeper, or harbinger upon presentation to the clinic of a receipt issued by the Clerk evidencing that payment of any fines, licensing, and charges associated with boarding have been paid. Any veterinary services provided by the veterinary clinic for incoming injured animals shall be a matter between the clinic and such owner, keeper, or harbinger in the event such animal is redeemed. All other charges for boarding, fines, vaccinations, and licensing shall be collected by Eaton Animal Den or the veterinary clinic who provided the service prior to the veterinary clinic releasing such animal. (Ord. 339, 1992)

HISTORY

- Original
- Ord. 500, 2017

6. 04. 240. Livestock- -Impoundment Conditions

Any livestock found running at large in the Town shall be impounded by the code enforcement officer, police officer or other designated officer of the Town.

(Ord. 339, 1992)

6. 04. 250. Livestock- -Holding Following Impoundment

- A. All livestock so impounded by the officer under Section 6. 04. 240 shall be kept and controlled by the officer until the owner, or such other person who shall be legally entitled to possession of such livestock, shall call for the same and take control thereof.
- B. In the event no authorized person takes possession of the impounded livestock within twenty-four (24) hours after the same shall have been impounded by such officer, then the State of Stock Inspection Commissioners, or an authorized brand inspector representing said Board having an authority to move such livestock to a safe and practical place within the vicinity, to be held during a legal advertising period, will be notified, and the livestock will be released to such authority.

(Ord. 339, 1992)

6. 04. 260. Redemption of Impounded Animals- -Conditions

The owner or other person having a legal right to the immediate possession of any animal which has been impounded pursuant to this chapter shall have the right to redeem the animal from this impoundment facility during the time that the animal is kept there and until the animal is disposed of pursuant to this chapter. The person seeking to redeem the animal shall satisfy the humane officer or other person lawfully in charge of the redemption that such person is in fact the owner of the animal, or is the person having the lawful right to the immediate possession of the animal.

(Ord. 339, 1992)

6. 04. 270. Impoundment- -Disposition of Unredeemed Animals

Any animal which has been impounded at the impoundment facility and not redeemed may be disposed of in a humane manner by the agent of the Town or by the Humane Society of Weld County after 12:00 midnight of the fifth day the animal was impounded, or as soon thereafter as possible.

(Ord. 339, 1992)

6. 04. 280. Impoundment- -Records Required

The code enforcement officer, or other person lawfully in charge of the impounding, shall make or cause to be made written record of all circumstances pertaining to the impounding and redemption of animals. Such records shall be in sufficient detail so that the provisions of this chapter for multiple violations because of multiple redemptions can be enforced.

(Ord. 339, 1992)

6. 04. 290. Fees- -Amendment Authorized When

Whenever this chapter imposes or requires that a fee be paid, as distinguished from any penalty that may be imposed pursuant to Section 6. 04. 340, the Board of Trustees may amend the amount of such fees from time to time by Resolution.

(Ord. 339, 1992)

6. 04. 300. Animal Care- -Unlawful Activities Designated

It is unlawful for any owner, keeper, harbinger or any other person to:

- A. Fail to provide adequate food and water, proper shelter, veterinary services, and humane care or treatment necessary to maintain the good health of the animal and to prevent suffering by the animal, while such animal is in his or her custody for more than twelve (12) consecutive hours.
- B. Commit or cause to be committed any act of cruelty, harassment or torture to any animal, or to cause such animal to be wounded, mutilated, strangled or inhumanely killed, unless such act is necessary to defend a person or other animal from immediate attack.
- C. Abandon an animal; in this context, "abandon" means to leave the animal unattended for more than seventy-two (72) consecutive hours.
- D. Confine any animal within a parked, closed vehicle without allowing cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death. Any code enforcement officer, police officer or other designated officer for the Town observing any animal suffering from violation of this subsection may enter the vehicle, leaving written notice in the vehicle, and shall impound such animal to protect its own well-being. Any such officer making an entry into any vehicle for the purpose of this subsection is immune from suit or liability, criminal or civil, for, caused by or arising out of such entry.
- E. Take and deliver to the animal shelter or elsewhere an animal, not his own, unless he shall have first received permission from the owner of such animal, as well as otherwise authorized by this chapter.
- F. Without the consent of the owner, release any dog from restraint, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform the code enforcement officer that he has done so or, in the alternative, shall immediately return the animal to the custody of its owner.
- G. Tie or otherwise physically fasten any 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;
- H. Tie or otherwise physically fasten any animal in such a manner as to create an immediate physical danger to the well-being of an animal.
- I. Expose 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 thereto and be poisoned thereby; provided, however, that this subsection does not make unlawful the poisoning of rats or mice with commercial rat poison mixed with vegetable substances.
- J. Keep, maintain, harbor or possess in any one (1) household or premises more than three (3) dogs or cats of any combination thereof not to exceed three (3) animals over the age of six (6) months, without first being authorized by the Town to do so as a pet shop or a kennel.

- K. Cause, instigate, encourage or permit any dogfight, cockfight, bullfight, or other combat between animals, or between animals and humans.
- L. At any time within the corporate limits of this Town, frighten, shoot at, wound, kill, capture, ensnare, trap, net, poison or in any other manner kill, injure or molest any wild birds, or injure the nest, eggs or young of such birds; provided, however, that this section does not apply to English or European house sparrow or starlings; and provided further, that the Chief of Police has authority to grant a permit for when, in his opinion, they have become a threat to the health and safety of the neighborhood.

(Ord. 339, 1992)

6. 04. 310. Protective Custody for Animals Receiving Inhumane Treatment

- A. Any animal found receiving inhumane treatment, as described in Section 6.04. 300 of this chapter, may be removed and impounded at the expense of the owner by the code enforcement officer, police officer or other designated officer of the Town.
- 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. 339, 1992)

6. 04. 320. Enforcement- -Obstructing an Officer Prohibited

No person shall knowingly resist, oppose, obstruct or interfere with any officer from enforcing the provisions of this chapter, or by threats or otherwise intimidate or attempt to intimidate any such officer in the discharge of his official duty.

(Ord. 339, 1992)

6. 04. 330. Damaging Impoundment Facility Prohibited

It is unlawful for any person to break open, destroy or damage any door, gate, fence or enclosure used by the Town as an animal shelter or impoundment facility, or to take or attempt to take therefrom any animal impounded therein without having paid fees provided in this chapter.

(Ord. 339, 1992)

6. 04. 340. Chicken Regulations

Notwithstanding any Ordinance of the Town or any provision in the Code to the contrary, the keeping of chickens shall be permitted in the residential districts and the MH district when such activity is conducted in accordance with the following restrictions:

- A. The keeping of chicken roosters or more than six (6) chicken hens is prohibited.
- B. The keeping of up to six (6) chicken hens is permitted.
- C. Chickens will be housed in a coop that meets the following requirements:
 - 1. The coop will be fully enclosed.

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2. The coop will be predator and pest-resistant.
 3. The coop will be properly ventilated.
 4. The coop will be designed to be easily accessed, cleaned and maintained.
 5. The coop will provide no less than two (2) square feet of space per chicken.
- D. The coop will provide proper protection from any seasonal climatic condition.
- E. The coop will have an attached yard to which the chickens must have access during daylight hours allowing the birds to roam and gain access to sunlight and open air.
- F. The yard will provide a minimum of five (5) square feet per bird enclosed on all four (4) sides and at the top with fencing adequate to:
1. Prevent the chickens from escaping.
 2. Protect the chickens from predators.
- G. Chickens must be confined at all times; however, they may be permitted to roam outside the coop and yard described above so long as:
1. The entire perimeter of such area is fenced in a manner to adequately confine the chickens:
 2. Such area is part of the area immediately surrounding the residence of the owner of the chickens.
- H. Animal health must be maintained with proper feed and water.
- I. If the symptoms do not abate within such time, within forty-eight (48) hours of the visible onset of any symptoms of disease, aid from a veterinarian must be given or the animal must be humanely slaughtered.
- J. Animal cruelty laws pertain to chickens.
- K. Nuisance laws pertain to chickens; provided that the mere keeping of chickens in accordance with these restrictions shall not, by itself, constitute a nuisance.
- L. There will be no slaughtering within public view, and any slaughtering or related processing must be conducted in a humane and sanitary manner.
- M. Coops and yards must be located at least ten (10) feet from any neighboring property line and at least thirty (30) feet from any dwelling or place of business other than one owned or rented by the owner of the chickens.
- N. Variances may be granted in the Town's discretion if written consent from all affected neighbors is included with the request for variance. The Clerk is authorized to grant such variances as a routine administrative matter.
- O. There will be an annual permit fee of ten dollars (\$10.00) to register up to 6 birds, which must be paid and the permit issued prior to acquisition of chickens. -Prior to issuance of any permit, the individual seeking the permit must provide to the Clerk written proof that the individual's coop and yard have passed inspection by an inspector designated by Resolution of the Board of Trustees. The Clerk is authorized to prepare and make available to the public any forms needed for administration of these regulations pertaining to the keeping of chickens.
- P. This permit will be renewable annually if no violations to the chicken ordinance have occurred. Every permit shall be subject to the following conditions:
1. The permittee waives all claims against the Town and against all other persons resulting from death or injury to any chicken that is not confined in accordance with these regulations.
 2. If a parcel has more than one (1) dwelling unit, all adult residents and the owner(s) of the parcel must consent in writing to allow the chickens on the property.
 3. Chicken feed in addition to that required for twenty-four (24) hours' consumption must be stored in rodent resistant containers.
 4. Waste and manure must be removed weekly, and if not composted in an enclosed unit or used for immediate fertilization of plants must be disposed of in a sanitary manner.

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Q. Slaughtered animals that are not preserved for human consumption shall be disposed of in any one of the following ways.

1. Burial under at least two (2) feet of ground.
2. Delivery to a properly licensed or permitted rendering or waste disposal facility.
3. If allowed by the pertinent waste processor, placing in garbage after being wrapped in at least two (2) layers of plastic of standard thickness for household garbage.

(Ord. 456, 2012)

6.04.400. Violation- -Penalty

The violation of or failure to comply with the provisions of this chapter shall constitute an offense against the Town and subject the offender to punishment as follows:

	Minimum	<u>Maximum</u>
First Offence	\$25.00	\$300.00
Second Offence	\$50.00	\$500.00
Third Offence	\$75.00	\$750.00

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 forth offense shall have a mandatory appearance in municipal court.

(Ord. 339, 1992)

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Title 7 - Reserved

Chapters:

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Title 8 - Health and Safety

Chapters:

- 8. 04 Garbage Collection and Disposal
- 8. 08 Weeds and Rubbish
- 8. 12 Fire Prevention
- 8. 16 REPEALED

Chapter 8. 04 Garbage Collection and Disposal

Sections:

- 8. 04. 010 Definitions
- 8. 04. 020 Responsibility for Cleanup
- 8. 04. 030 Transport of Garbage- -Requirements
- 8. 04. 040 Collection- -Frequency
- 8. 04. 050 Charges
- 8. 04. 060 Billing Procedures
- 8. 04. 070 Receptacles- -Specifications
- 8. 04. 080 Receptacles- -Location
- 8. 04. 090 Receptacles- -Sanitation
- 8. 04. 100 Abatement of Refuse Accumulations
- 8. 04. 110 Leaves, Tree or Grass Clippings

8. 04. 010. Definitions

As used in this chapter:

- A. "Garbage" means the animal and vegetable waste, resulting from the handling, preparation, cooking and consumption of foods.
- 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 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.

(Prior Code §10-1)

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, 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 at his own expense, except as may be otherwise provided in this chapter.

(Prior Code §10-2)

8. 04. 030. Transport of 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.

(Prior Code §10-3)

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 trash collection service may refuse to collect unreasonable amounts of garbage and refuse, or may make additional charges for such unreasonable amounts. (Prior Code §10-10)

HISTORY

- Original
- Ord. 500, 2017

8. 04. 050. Charges

- A. The Town makes available to all residential properties within the Town a trash collection service arranged by the municipality. All residents of the Town shall be required to pay for the availability of such service as billed on the monthly water bill, whether or not they elect to utilize such services. For residential property, collection charges shall be as fixed by Resolution of the Board.
- B. For commercial property collection charges may be as fixed by Resolution of the Board.
- C. The charges 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.

(Ord. 485; Ord. 308, 1987; Prior Code §10-11)

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.

(Prior Code §10-12)

8. 04. 070. Receptacles- -Specifications

Garbage and refuse containers or receptacles shall be metal or plastic or other material approved by the Board of Trustees, shall not have any ragged or sharp edges or other defect liable to hamper or injure the person collecting the contents thereof, and shall have a tight-fitting lid or cover which shall be maintained in position as to prevent the

entrance and departure of animals and insects. Container sizes provided by the trash contractor are 96-gallon roll carts and 33-gallon roll carts. Residents are allowed one (1) 96-gallon roll cart or one (1) 33-gallon roll cart for trash or refuse. Additional roll carts must be arranged with the trash contractor and paid for by the resident in addition to the charges set in 8.04.050.

8. 04. 080. Receptacles- -Location

Garbage and refuse containers or receptacles shall be placed at the curb of the street from which collection is made, at a point immediately accessible thereto; Containers or receptacles may be maintained at a distance of more than said ten (10) feet when approved by the Board of Trustees, and an additional payment for the extra service is agreed upon by both parties. All above mentioned containers or receptacles cannot block the sidewalk and must be removed from the street within 24 hours of trash pickup or be subject to punishment according to Section 1.12.010.

(Prior Code §10-5)

HISTORY

- Ord. 500, 2017
- Ord. 540, Section 1, 2023

8. 04. 090. Receptacles- -Sanitation

- A. All refuse and garbage of residences in the Town may be placed in the same container receptacle, provided both items are drained of free liquids, and all bottles and food containers thoroughly drained, and provided all moist garbage which is capable of freezing or otherwise adhering to the bottom and inside of the container or receptacle so as to form a permanent sticky and unwholesome mass in which flies or other insects may breed and flourish, shall be wrapped in paper of sufficient strength, or such paper shall be spread on the bottom of such container or receptacle so as to prevent such garbage from adhering to such container or receptacle.
- B. Hotels, restaurants and other businesses and institutions shall place garbage and refuse in separate receptacles.

(Prior Code §10-6)

8. 04. 100. 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 three (3) days after notice is deemed a violation of this chapter.

HISTORY

- Original
- Ord. 540, Section 1, 2023

8. 04. 110. Leaves, Tree or Grass Clippings

It shall be unlawful for any person to burn leaves, bushes or other refuse 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, as provided in this chapter.

(Prior Code §10-9)

HISTORY

- Ord. 500, 2017
- Ord. 540, Section 1, 2023

Chapter 8. 08 Weeds and Rubbish

Sections:

- 8. 08. 010 Definitions
- 8. 08. 020 Weed Growth, Undesirable Plants, and Trash Accumulation- -Prohibited When
- 8. 08. 030 Weed Growth, Undesirable Plants, and Trash Accumulation- -Deemed Public Nuisance When
- 8. 08. 040 Abatement of Nuisance- -Notice Required
- 8. 08. 050 Abatement of Nuisance- -Town May Perform Work or Contract for Work to be Done
- 8. 08. 060 Costs of Abatement by Town- -Collection
- 8. 08. 070 Right to Entry on Property
- 8. 08. 080 Violation- -Penalty

8. 08. 010. Definitions

As used in this chapter:

- A. “Administrative Authority” means the Mayor of the Town or their designated representative.
- B. “Brush” means the growth of bushes, shrubs, and trees such as are growing without care, and shall include all cuttings from trees, shrubs and bushes, and high and rank shrubbery growth which may conceal forms of refuse, or of height of more than six (6) inches.
- C. “Control” means preventing a plant from forming viable seeds for vegetative propagules.
- D. “Noxious Plant” means an alien plant or part thereof, which means one (1) or more of the following criteria:
 - 1. It aggressively invades or is detrimental to economic crops or native plant community.
 - 2. It is poisonous to livestock.
 - 3. It is a carrier of detrimental insects, diseases, or parasites.
 - 4. A direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.
- E. “Owner” or “Person” or “Occupant” means an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right of way including any Town, county, state or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage transmission line, or right of way for a canal or lateral.
- F. “Trash” means all bottles, tin cans, junk, abandoned automobile bodies and parts, building materials, and any and all other forms of refuse.
- G. “Undesirable Plant” means the plants commonly known as leafy spurge (*euphorbia esula*), knapweed plants commonly known as diffuse, Russian and spotted knapweeds (*ascentaurea diffusa*, *centaurea repens*, and *centaurea maculosa*)
- H. “Weed” means any unsightly, useless, troublesome, or injurious herbaceous plant, and shall include rank vegetable growth that may conceal forms of refuse, or of a height of more than six (6) inches.

HISTORY

- Original
- Ord. 540, Section 1, 2023

8. 08. 020. Weed Growth, Undesirable Plants, and Trash Accumulation- -Prohibited When

No owner of any lot, block, or parcel of land within the Town, nor tenants or agents in charge thereof, shall allow trash to accumulate, or permit weeds, undesirable plants or brush to grow, or to remain when grown, on such lot, block, or parcel of land, or on or along sidewalk, street, or alley adjoining the same; but such weeds, undesirable plants or brush shall be cut close to the ground, less than six (6) inches and kept so cut; and it is further unlawful for any owner, occupant, or other person, in charge of any lot, block or parcel of land, within the Town to fail to remove trash as defined in this chapter, or control, cut, or otherwise destroy all such growths, of whatever height, before the same blossom or mature to such state that seeds may be discharged or broadcast from such growths.

(Ord. 423, Section 1, 2005; Ord. 374, Section 1, 1998)

HISTORY

- Original
- Ord. 540, Section 1, 2023

8. 08. 030. Weed Growth, Undesirable Plants, and Trash Accumulation- -Deemed Public Nuisance When

- A. The existence within the Town on any lot, block, or parcel of land, or on or along sidewalk, street, or alley adjoining the same, of noxious weeds, undesirable plants, or of any weeds over six (6) inches in height or whatever height, before the same blossom or mature to such state that seeds may be discharged or broadcast from such growths.
- B. The accumulation of trash, as defined in this chapter, on any lot, block, or parcel of land, or on or along sidewalk, street, or alley adjoining the same, within the Town is hereby declared to be a public nuisance.

HISTORY

- Original
- Ord. 540, Section 1, 2023

8. 08. 040. Abatement of Nuisance- -Notice Required

Where trash accumulation, noxious weeds, obnoxious growths, undesirable plants and brush are not removed, kept cut or are not destroyed as required by this chapter, and where the owner, occupant or other person in charge of the lot , block or parcel of land fails or refuses to cut or destroy such growth on his own initiative, or fails or refuses to remove trash, the administrative authority shall issue a warning advising them to remove trash and or cut or destroy such growth within three (3) days of the date of such warning. After one (1) such warning in any calendar year, citations may be issued by the Chief of Police, Code Enforcement Officer, or any other Officer without further notice.

C.R.S 31-15-401(1) (d). (Ord. 423, Section 1, 2005; Ord. 374, Section 1, 1998)

HISTORY

- Ord. 533, 2021
- Ord. 540, Section 1, 2023

8. 08. 050. Abatement of Nuisance- -Town May Perform Work or Contract for Work to be Done

If any owner, occupant or other person in charge fails to cut or control weeds, undesirable plants or brush, or to remove

trash as required by this chapter within seven (7) days of being notified to do so by the administrative authority, said authority may direct that the weeds, undesirable plants or brush be cut or the trash removed by employees of the Town or in the alternative to subcontract to have such work done, and charge the cost thereof to such owner, occupant or other person in charge, together with ten percent (10%) additional fee for inspection and incidentals. This provision is pursuant to the authority granted by C.R.S 31-15-401(1) (d).

(Ord. 423, Section 1, 2005; Ord. 374, Section 1, 1998)

HISTORY

- Ord. 533, 2021
- Ord. 540, Section 1, 2023

8. 08. 060. Costs of Abatement by Town- -Collection

- A. When weeds, undesirable plants or brush, or trash on any lot, block, or parcel of land, or on or along sidewalk, street, or alley adjoining the same, are removed by the order of the administrative authority, the whole cost of cutting or removing such weeds, undesirable plants or brush, or trash together with a ten percent (10%) fee for inspection and other incidentals shall be paid to the Clerk:
1. Within thirty (30) days after mailing by the 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.
 2. If said abatement occurs on vacant land, the Town may, in addition, add the whole cost of cutting or removing such weeds, undesirable plants or brush, or trash together with a ten percent (10%) fee for inspection and other incidentals, to the cost of the building permit when such a permit is applied for and may withhold said building permit or any other building permit applied for by the same owner if the whole fee is not paid.
- 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 pay the same within thirty (30) days, shall be filed by the Clerk to the County Treasurer, to be placed upon the tax list for the current year, to be collected, with a ten percent (10%) penalty to defray the cost of collection, as provided by the laws of the State.
- C. If, during one 365-day period, the administrative authority performs a second or further inspection (other than the inspection showing compliance) for the same property and finds a second or further violation of the same type, the owner or occupant shall be assessed a reinspection fee. Such fee is established by the Board of Trustees by Resolution. If such inspection fee is not paid within thirty (30) days, it shall be pursuant to subsections A and B.

(Ord. 423, Section 1, 2005; Ord. 374, Section 1, 1998)

HISTORY

- Original
- Ord. 540, Section 1, 2023

8. 08. 070. Right to Entry on Property

The administrative authority or agents of the Town, without liability, may enter upon any property, vacant lot, or premises in the Town to perform any duty imposed by this chapter.

(Ord. 423, Section 1, 2005; Ord. 374, Section 1, 1998)

HISTORY

- Original
- Ord. 540, Section 1, 2023

8. 08. 080. Violation- -Penalty

Every person convicted of a violation of any provision stated or adopted in this chapter shall be penalized according to Section 1.12.010 for each violation.

HISTORY

- Original
- Ord. 540, Section 1, 2023

Chapter 8. 12 Fire Prevention

Sections:

- 8. 12. 010 Notice to Remove Hazardous Conditions
- 8. 12. 020 Assistance at Fires
- 8. 12. 030 Removal of Property to Prevent Spread of Fires
- 8. 12. 040 Removal of Property from Scene of Fire
- 8. 12. 050 Hindering Firefighters Prohibited
- 8. 12. 060 Damage to Fire Apparatus- -Obstruction of Hydrants- -Prohibited
- 8. 12. 070 False Alarms
- 8. 12. 080 Storage of Combustible Materials in Business District Prohibited
- 8. 12. 100 Fire Prevention Code - Enforcement
- 8. 12. 110 Fire Prevention Code - Definition
- 8. 12. 120 Fire Prevention Code - Establishment of Districts where Storage of Explosives and Blasting Agents Prohibited
- 8. 12. 130 Fire Prevention Code - Modifications
- 8. 12. 140 Fire Prevention Code - Appeals
- 8. 12. 150 Fire Prevention Code - Violation- -Penalty

8. 12. 010. Notice to Remove Hazardous Conditions

It is the duty of the Chief of the Ault-Pierce Fire Protection District or his authorized representative to notify both the lessees and owners of buildings of any dangerous conditions which tend to cause fire by virtue of the accumulation of rubbish, hot ashes, storage of combustible materials, defective lighting or heating appliances, or any other defective construction which tend to create fires or prevent the extinguishment of fires and it is unlawful for any person after being notified in writing of conditions which tend to cause fires, to refuse or fail to remove, repair or correct any such conditions or hazards within five (5) days, unless additional time is extended by the fire chief.

(Prior code §9-1)

8. 12. 020. Assistance at Fires

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Every person who is present at a fire shall be subject to and obedient to orders of the fire chief or assistant fire chief, or in the absence of these officers, to the orders of the Mayor or Chief of Police and deputies; and in case any person neglects or refuses to obey such orders shall, upon conviction thereof, be fined as provided for each such offense, as provided in Section 1. 12. 010 of this Code; provided no person shall be bound to obey such officer unless the official character of the officer is known or made known to such person.

(Prior Code §9-3)

8. 12. 030. Removal of Property to Prevent Spread of Fires

The chief or assistant in command shall have the power to cause removal of any property whenever it becomes necessary for the preservation of such property from fire or to prevent a spreading of fire, or to protect adjoining property. Any person who refuses to obey any order given in pursuance of this section or who hinders persons in the execution of orders given under this section is guilty of a violation of this Code.

(Prior Code § 9-4)

8. 12. 040. Removal of Property from Scene of Fire

No person shall be entitled to take away any property in possession of the fire department saved from any fire until he shall make satisfactory proof of the ownership thereof. Any person who removes such property without permission from the fire chief is guilty of a violation of this Code.

(Prior Code §9-5)

8. 12. 050. Hindering Firefighters Prohibited

It is unlawful for any person to willfully hinder any police officer or fireman in the performance of his duties at a fire.

(Prior Code §9-6)

8. 12. 060. Damage to Fire Apparatus- -Obstruction of Hydrants- -Prohibited

It is unlawful for any person to willfully deface, or do any damage or injury whatsoever to any fire station, fire apparatus or fire hydrant or pile goods around or in any manner obstruct the use of any such hydrant.

(Prior Code §9-7)

8. 12. 070. False Alarms

It is unlawful for any person to negligently, maliciously or willfully give any false alarm to any police or fire station.

(Prior Code §9-8)

8. 12. 080. Storage of Combustible Materials in Business District Prohibited

- A. The "business district" of the Town shall comprise that portion of the Town consisting of lots and blocks occupied by stores, or offices, garages, warehouses, factories or other like buildings.

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- B. It is unlawful for any person to keep, have or maintain within such business district outside of any building any ash can, ash pit, boxes, barrels, boards, shipping crates, coal, fuel or vessel containing oil, unless such oil is in a fluid-tight glass or metal container, refuse, waste material, wastepaper, hay, packing straw or other like material. The unoccupied part of any lot used for business purposes shall at all times be kept clear of all such materials. It is unlawful for any person to keep or store within any building, or basement thereof, any hay, straw, packing material, old papers, rubbish, or any combustible substance or material likely to cause a fire, or allow any barrel or tanks of oil to leak or drip so as to form within the building any pool of oil likely to cause a fire.
- C. It is unlawful for any person within the business district to set fire to or burn any of the materials or things described in Subsection B of this section upon the vacant portion of their premises.

(Prior Code §9-9)

8.12.100. Fire Prevention Code - Enforcement

The Code adopted in this chapter shall be enforced by the Chief of Police with the assistance of the Fire Chief and personnel of the Ault-Pierce Fire Protection District .

(Ord. 424, 2005 Prior Code §9-11)

8.12.110. Fire Prevention Code - Definition

Wherever the word "Municipality" is used in the Code adopted by this chapter, it shall be held to mean the Town of Ault.

(Prior Code §9-12)

8.12.120. Fire Prevention Code - Establishment of Districts where Storage of Explosives and Blasting Agents Prohibited

Reserved

8.12.130. Fire Prevention Code - Modifications

The Chief of the Ault-Pierce Fire Protection District shall have power to modify any of the provisions of the Code adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided, that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Ault-Pierce Fire Protection District thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

(Prior Code §9-14)

8.12.140. Fire Prevention Code - Appeals

Whenever the Chief of the Ault-Pierce Fire Protection District shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the

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Ault-Pierce Fire Protection District to the Board of Trustees within thirty days (30) from the date of the decision appealed.

(Prior Code §9-15)

8.12.150. Fire Prevention Code - Violation- -Penalty

A person who violates the requirements of this chapter shall be punished according to Section 1.12.010 for each violation.

(Ord. 424, Section 2, 2005; Prior Code, Section 9-16)

HISTORY

- Original
- Ord. 540, Section 1, 2023

Chapter 8.16 REPEALED

Title 9 - Public Peace, Morals and Welfare

Chapters:

- 9.04 General Provisions
- 9.08 Offenses By or Against Public Officers and Government
- 9.12 Offenses Against the Person
- 9.16 Offenses Against Public Peace
- 9.20 Offenses Against Public Decency
- 9.24 Offenses Against Property
- 9.28 Offenses By or Against Minors
- 9.30 Fireworks
- 9.32 Weapons
- 9.34 Miscellaneous Offenses
- 9.36 Violation- -Penalty

Chapter 9.04 General Provisions

Sections:

- 9.04.010 Applicability and Interpretation of Provisions
- 9.04.020 Definitions
- 9.04.030 Disposition of Lost or Confiscated Property

9.04.010. Applicability and Interpretation of Provisions

- A. Any person who does an act prohibited by the provisions of this title or fails to do an act required to be done by the provisions of this is guilty of a misdemeanor, and shall be subject to punishment within the limits prescribed by Section 9.36.010 of this title.
- B. The terms "offense," "violation," "unlawful" and "misdemeanor," as used in this title, are synonymous, and all refer to conduct prohibited or the failure to do acts required by this chapter.
- C. The provisions of this title apply to any such prohibited or required conduct occurring, or required to occur, within the territorial limits of the Town, and upon real property owned by or under the exclusive control of the Town.

(Ord. 286 §1(part), 1986)

9.04.020. Definitions

The following definitions are applicable to the determination of culpability requirements for offenses defined in this title:

- A. "Act" means a bodily movement, and includes words and possession of property.
- B. "Conduct" means an act or omission and its accompanying state of mind or, where relevant, a series of acts or omissions.
- C. "Criminal Negligence". A person acts with "criminal negligence" when through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk

that a result will occur or that a circumstance exists.

- D. "Culpable Mental State" means "intentionally," or "knowingly," or "recklessly," or with "criminal negligence," as these terms are defined in this section.
- E. "Intentionally". A person acts "intentionally," with respect to a result or to conduct described by an Ordinance defining an offense, when his conscious objective is to cause such result or to engage in such conduct.
- F. "Knowingly". A person acts "knowingly" with respect to conduct or to a circumstance described by an Ordinance defining an offense when he is aware that his conduct is of such nature or that such circumstances exists.
- G. "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.
- H. "Recklessly" A person acts "recklessly" when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.
- I. "Town" means the Town of Ault, Colorado."
- J. Voluntary Act" means an act performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it.

(Ord. 286 §1(part), 1986)

9. 04. 030. Disposition of Lost or Confiscated Property

All lost property found, all stolen property seized and remaining unclaimed and all property confiscated according to law and not otherwise disposed of shall, immediately upon taking, be delivered to the Police Chief , as custodian thereof, who shall keep a record of all such property together with the date when and the place from which the same was taken, which shall be a permanent record, open to the inspection of the public.

(Ord. 286 §1(part), 1986)

Chapter 9. 08 Offenses By or Against Public Officers and Government

Sections:

- 9. 08. 010 Resisting Arrest
- 9. 08. 020 Obstructing a Peace Officer or Firefighter
- 9. 08. 030 Imitating Uniform of a Police Officer
- 9. 08. 040 False Alarms and False Reports
- 9. 08. 050 Refusing to Aid a Police Officer
- 9. 08. 060 Impersonating a Peace Officer
- 9. 08. 070 Escaping from Lawful Custody
- 9. 08. 080 Aiding or Assisting Escapes

9. 08. 010. Resisting Arrest

- A. A person commits the violation of resisting arrest if he intentionally prevents or attempts to prevent a peace officer, acting under color of his official authority, from affecting an arrest of the actor, or another, by:
 - 1. Using or threatening to use physical force or violence against the peace officer or another; or
 - 2. Using any other means which creates a substantial risk of causing physical injury to the peace officer or

another.

- B. It is no defense to a prosecution under this section that the peace officer was attempting to make an arrest which in fact was unlawful, if he was acting under color of his official authority, and in attempting to make the arrest he was not resorting in unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts "under color of his official authority" when, in the regular course assigned duties, he is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by him.
- C. The term "peace officer," as used in this section and elsewhere in this title, means police officer in uniform or, if out of uniform, one who has identified himself by exhibiting his credentials as such peace officer to the person whose arrest is attempted.

(Ord. 286 §2(part), 1986)

9. 08. 020. Obstructing a Peace Officer or Firefighter

- A. A person commits the violation of obstructing a peace officer or fireman when, by using or threatening to use violence, force or physical interference, or obstacle, he intentionally obstructs, impairs or hinders the enforcement of the penal law for the preservation of the peace by a peace officer acting under color of his official authority, or intentionally obstructs, impairs or hinders the prevention, control or abatement of fire by a fireman acting under color of his official authority.
- B. It is no defense to a prosecution under this section that the peace officer was acting in an illegal manner, if he was acting under color of his official authority as defined in Subsection B of Section 9. 08. 010 of this chapter.
- C. This section does not apply to obstruction, impairment or hindrance of the making of an arrest.

(Ord. 286 §2(part), 1986)

9. 08. 030. Imitating Uniform of a Police Officer

It is unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated, or color ably imitated, the uniform, apparel or insignia of office used by the Police Department of the Town.

(Ord. 286 §2(part), 1986)

9. 08. 040. False Alarms and False Reports

A person commits false reporting to authorities if:

- A. He knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service, or any other government agency which deals with emergencies involving danger to life or property; or
- B. He makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern, when he knows that it did not occur; or
- C. He makes a report or purposely causes transmission of a report to law enforcement authorities, pretending to furnish information relating to an offense or other incident within their official concern when he knows that he has no such information or knows that the information is false.

(Ord. 286 §2(part), 1986)

9. 08. 050. Refusing to Aid a Police Officer

A person, eighteen (18) years of age or older, commits the violation of disobeying a lawful order when, upon command by a person known to him to be a police officer, he unreasonably refuses or fails to obey the instructions of such police officer in carrying out his or her lawful duties, or preventing the commission by another of any offense, when such aid can be given without a substantial risk of physical harm to the person giving it.

(Ord. 286, Section 2 (part), 1986)

9. 08. 060. Impersonating a Peace Officer

A person who falsely pretends to be a police officer and performs an act in that pretended capacity commits the violation of impersonating a police officer.

(Ord. 286, Section 2 (part), 1986)

9. 08. 070. Escaping from Lawful Custody

A person commits the violation of escape if he escapes or attempts to escape from custody or confinement while under a sentence for a violation of any Ordinance or Code of the Town or while held for or charged with a violation of any such Ordinance or Code.

(Ord.286, Section 2 (part), 1986)

9. 08. 080. Aiding or Assisting Escapes

- A. Any person who aids, abets, or assists another person to escape or attempt to escape from custody or confinement commits the violation of aiding escape.
- B. "Escape" is deemed to be a continuing activity commencing with the conception of the design to escape and continuing until the escapee is returned to custody, or the attempt to escape is thwarted or abandoned.

(Ord. 286, Section 2 (part), 1986)

Chapter 9. 12 Offenses Against the Person

Sections:

- 9. 12. 010 Assault
- 9. 12. 020 Reckless Endangerment
- 9. 12. 030 Fighting by Agreement

9. 12. 010. Assault

A person commits the crime of the assault if he intentionally, knowingly or recklessly causes bodily injury to another person.

(Ord. 286 §3(part), 1986)

9.12.020. Reckless Endangerment

A person commits the violation of reckless endangerment if he recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person.

(Ord. 286 §3(part), 1986)

9.12.030. Fighting by Agreement

If two (2) or more persons fight by agreement in a public place, and not with a deadly weapon, except in a sporting event authorized by law, the persons so fighting by agreement, which is unlawful.

(Ord. 309 (part), 1987: Ord. 286 §3(part), 1986)

Chapter 9.16 Offenses Against Public Peace

Sections:

- 9.16.010 Disorderly Conduct
- 9.16.020 Harassment
- 9.16.030 Disrupting a Lawful Assembly
- 9.16.040 Obstructing Highways or Other Public Ways
- 9.16.050 Inciting Riot
- 9.16.060 Engaging in a Riot
- 9.16.070 Disobeying Public Safety Officers During Riot Conditions
- 9.16.080 Disturbing the Peace with Sound Amplifying Equipment

9.16.010. Disorderly Conduct

- A. A person commits disorderly conduct if he intentionally, knowingly or recklessly:
 - 1. Abuses or threatens a person in a public place in an obviously offensive manner; or
 - 2. Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
 - 3. Fights with another in a public place, except in an amateur or professional contest of athletic skill; or
 - 4. Not being a peace officer, discharges a firearm in the Town except when engaged in lawful target practice at a licensed range; or
 - 5. Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.
- B. It is an affirmative defense to prosecution under Subsection A1 of this section that the actor had significant provocation for his abusive or threatening conduct.

(Ord. 286 §4(part), 1986)

9.16.020. Harassment

- A. A person commits harassment if, with intent to harass, annoy or alarm another person he:
 - 1. Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact;

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2. In a public place directs obscene language or makes an obscene gesture to or at another person;
3. Follows a person in or about a public place;
4. Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene;
5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
6. Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
7. Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response.

B. Any act prohibited by Subsection A5 of this section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

C. It is unlawful to commit harassment.

(Ord. 286 §4(part), 1986; Ord. 309 (part), 1987; Ord. 358 §1, 1996)

9.16.030. Disrupting a Lawful Assembly

A person commits the violation of disrupting a lawful assembly if, intending to prevent or disrupt any lawful meeting, procession or gathering, he significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance or any other means.

(Ord. 286 §4(part), 1986)

9.16.040. Obstructing Highways or Other Public Ways

A person commits a violation of this section if, without legal privilege, he intentionally, knowingly or recklessly:

- A. Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles or conveyors, whether the obstruction arises from his acts alone or from his acts and the acts of others; or
- B. Disobeys a reasonable request or order to move, issued by a person he knows to be a peace officer, a fireman or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.

(Ord. 286 §4(part), 1986)

9.16.050. Inciting Riot

- A. A person commits the violation of inciting riot if he:
 1. Incites or urges a group of five (5) or more persons to engage in a current or impending riot; or
 2. Gives commands, instructions or signals to a group of five (5) or more persons in furtherance of a riot.
- B. The term "riot," as used in this section, means the same as is used in Section 9.16.060 of this chapter.

(Ord. 286 §4(part), 1986)

9.16.060. Engaging in a Riot

- A. A person commits a violation of this section if he engages in a riot.
- B. For purposes of this section, the term "riot" means a public disturbance involving an assemblage of five (5) or more persons which, by tumultuous and violent conduct, creates grave danger of damage or injury to property or person, or substantially obstructs the performance of any governmental function.

(Ord. 286 §4(part), 1986)

9.16.070. Disobeying Public Safety Officers During Riot Conditions

A person commits a violation of this section if during a riot or when one is impending, he intentionally disobeys a reasonable public safety order to move, disperse or refrain from specified activities in the immediate vicinity of the riot. A "public safety order" is an order designed to prevent or control disorder or promote the safety of persons or property, issued by an authorized member of the police, fire, military or other forces concerned with the riot. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he is physically obstructing efforts by such forces to cope with the riot or impending riot. Inapplicability of the order is an affirmative defense.

(Ord. 286 §4(part), 1986)

9.16.080. Disturbing the Peace with Sound Amplifying Equipment

- A. It is unlawful for any person to use, operate, or allow to be used or operated, any loudspeaker, public address system, radio, tape player, disc player, or other sound amplifying equipment in such a manner as to be plainly audible at fifty (50) feet or more.
- B. For the purpose of this section, the phrase "plainly audible" means that sound is transferred to the auditor, such as, but not limited to, being able to understand spoken or sung words or comprehension of musical rhythms.
- C. The provisions of this section shall not apply to vehicles in Town-sanctioned parades, sound made or controlled by the Town, the federal government, sirens of private and public emergency vehicles, or to any branch, subdivision, or agency of the government of this state or any political subdivision within it or when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease, or permit granted by such governmental body.

(Ord. 378, Section 1, 1999)

Chapter 9. 20 Offenses Against Public Decency

Sections:

9.20.010 Indecent Exposure

9.20.020 Public Indecency

9.20.010. Indecent Exposure

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A person commits the crime of indecent exposure if he intentionally exposes his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

(Ord. 286 §5(part), 1986)

9. 20. 020. Public Indecency

Any person who performs any of the following in a public place where the conduct may reasonably be expected to be viewed by members of the public commits public indecency, which is unlawful:

- A. An act of sexual intercourse; or
- B. An act of deviate sexual intercourse; or
- C. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person, or
- D. A lewd fondling or caress of the body of another person.

(Ord. 286 §5(part), 1986; Ord. 309 (part), 1987)

Chapter 9. 24 Offenses Against Property

Sections:

- 9. 24. 005 Fraud by Check
- 9. 24. 010 Theft- -Value Less Than Three Hundred Dollars
- 9. 24. 020 Obtaining Control Over any Stolen Items
- 9. 24. 030 Concealment of Unpurchased Goods
- 9. 24. 040 Criminal Mischief- -Damage to Property Less Than Three Hundred Dollars
- 9. 24. 050 Trespass
- 9. 24. 060 Posting Notices Without Consent
- 9. 24. 070 Defacing Property
- 9. 24. 080 Defacing Posted Notices
- 9. 24. 090 Injuring Ditches, Gutters or Culverts
- 9. 24. 100 Throwing Missiles at or Upon Public or Private Property
- 9. 24. 110 Throwing Missiles at Certain Vehicles
- 9. 24. 120 Excavations and Obstructions Prohibited Where- -Penalty
- 9. 24. 130 Littering
- 9. 24. 140 Throwing Sharp Objects in Public Streets
- 9. 24. 150 Discharge onto Street
- 9. 24. 160 REPEALED
- 9. 24. 170 Abandoning Iceboxes and Items with Compartments
- 9. 24. 180 Burning Trash or Other Matter
- 9. 24. 190 Obstructing Public Ways- -Snow Removal
- 9. 24. 200 Illegal Obstruction of Walkway

9. 24. 005. Fraud by Check

A. Definitions.

1. "Check" means a written, unconditional order to pay a certain sum in money, drawn on a bank, payable on demand, and signed by the drawer.
2. "Drawee" means the bank upon which a check is drawn.
3. "Drawer" means a person, either real or factitious, whose name appears on a check as the primary obligor, whether the actual signature be that of himself or of a person authorized to draw the check on himself.
4. "Insufficient Funds" means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance, and a check dishonored for insufficient funds.
5. "Issue." A person issues a check when he makes, draws, delivers or passes it or causes it to be made, drawn, delivered or passed.

B. Any person, knowing he has insufficient funds with the drawee, who with intent to defraud issues a check in an amount of less than three hundred dollars (\$300.00) for the payment of services, wages, salary, commissions, labor, rent, money property or other thing of value, commits fraud by check.

(Ord. 332 1, 1989)

9. 24. 010. Theft- -Value Less Than Three Hundred Dollars

A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, or knowing such thing of value to have been stolen, and the value of the thing involved is less than three hundred dollars (\$300.00), and the person:

- A. Intends to deprive the other person permanently of the use or benefit of the thing of value; or
- B. Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use of benefit; or
- C. Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or
- D. Demands any consideration to which he is not legally entitled a condition of restoring the thing of value to the other person.

(Ord. 286 6 (part) 1986; Ord. 309 (part), 1987)

9. 24. 020. Obtaining Control Over any Stolen Items

Every person who obtains control over any stolen thing of value, knowing the thing of value to have been stolen by another, may be tried, convicted and punished, whether or not the principal is charged, tried or convicted.

(Ord. 286 6 (part), 1986)

9. 24. 030. Concealment of Unpurchased Goods

If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether on or off the premises of such store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

(Ord. 286 6 (part), 1986)

9. 24. 040. Criminal Mischief- -Damage to Property Less Than Three Hundred Dollars

Any person who intentionally damages the real or personal property of one (1) or more other persons, where the aggregate damage to the real or personal property is less than three hundred dollars (\$300.00), commits the crime of criminal mischief.

(Ord. 286 6 (part), 1986)

9. 24. 050. Trespass

- A. It is unlawful to commit trespass in the Town. "Private property" within this section includes private property where the public is a business invitee. A person commits trespass if he:
1. Enters or remains upon or refuses to leave any private property or posted at reasonable intervals along the property or posed at reasonable intervals along the property or posted at reasonable intervals along the property boundary, prohibiting trespassing;
 2. Enters or remains upon or refuses to leave any private property of another, when immediately prior to such entry, remaining or refusing to leave, oral or written notice is given by the owner, a police officer or fireman acting in the course of his employment, or person responsible for the care of his employment, or person responsible for the care of the property that such entry or continued presence is prohibited;
 3. Enters or remains upon or refuses to leave or disperse from any public place after being lawfully ordered to disperse, leave or not enter by any police or fire officer;
 4. Enters or remains upon or refuses to leave the property of any parochial school, private school or public-school district where such property is used for the education of persons, after being told not to enter, or to leave, by the principal, teacher, staff member or by any person entrusted with the authority to maintain and supervise the property;
 5. Enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced;
 6. Without being licensed, invited by a person with authority, or otherwise privileged, enters or remains in or upon premises of another.
- B. It shall be an affirmative defense to charges under Subdivisions A1 through A5 of this section that the defendant is licensed, invited by a person with authority, or otherwise privileged to so enter, remain or refuse to leave.
- C. As used in this section, the term "premises" means real property, buildings and other improvements thereon, and the stream banks and beds of any non-navigable freshwater streams flowing through such real property.
- D. A police or fire officer gives a lawful order when, in the course of duty, he is called upon to make and does make a good faith judgment, based on all circumstances known to him that the order should be given.
1. Notwithstanding the maximum penalties applicable pursuant to Section 9. 35. 010, every person convicted of trespass pursuant to this section shall be fined without suspension a minimum of twenty-five dollars (\$25.00) for the first conviction thereof, and fifty dollars (\$50.00) for any subsequent conviction within twelve (12) months of a prior conviction.

(Ord. 286 §6(part), 1986)

9. 24. 060. Posting Notices Without Consent

Any person who places a posted notice or advertisement upon any public or private property without the consent of the owner of such property commits the violation of posting notice without consent.

(Ord. 286 §6(part), 1986)

9. 24. 070. Defacing Property

Any person who destroys, defaces, removes or damages any historical monument, or who defaces or causes, aids in, or permits the defacing of any public or private property without the consent of the owner such property, commits the violation of defacing property.

(Ord. 286 §6(part), 1986)

9. 24. 080. Defacing Posted Notices

Any person who intentionally mars, destroys or removes any posted notice authorized by law commits the violation of defacing posted notices.

(Ord. 286 §6(part), 1986)

9. 24. 090. Injuring Ditches, Gutters or Culverts

It is unlawful for any person to either willfully, maliciously, wantonly or negligently fill up, obstruct or otherwise damage any ditch or ditches, gutters or culverts, lawfully constructed in the Town.

(Ord. 286 §6(part), 1986)

9. 24. 100. Throwing Missiles at or Upon Public or Private Property

It is unlawful for any person to throw any stone, snowball, or any other missile upon or at any person or property of another without such person's clear and unambiguous consent.

(Ord. 286, Section 6 (part), 1986)

9. 24. 110. Throwing Missiles at Certain Vehicles

Any person who intentionally projects any missile at or against any vehicle or equipment designed for the transportation of persons or property commits a violation of this section.

(Ord. 286 §6(part), 1986)

9. 24. 120. Excavations and Obstructions Prohibited Where- -Penalty

- A. No person or corporation shall, without the written permission of the Town Board first had and obtained, erect or maintain any fence, house or other structure, or dig pits or holes in or upon any street, alley or public place, or remove from or deposit upon any street or alley any dirt, earth or rock, or store or pile in any such place any hay or

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straw, manure, boxes, barrels, building material or other matter; and no person or corporation shall tear down, burn or otherwise damage any bridge or culvert on any street or alley in the Town.

- B. All excavations herein specified, so made by permission of the Town Board, shall be safeguarded by a suitable rail fence and if left open at night, shall be further provided with red lights in order that persons and animals shall not fall therein or be injured thereby.

(Ord. 286 §6 (part) 1986)

9. 24. 130. Littering

- A. Any person who deposits, throws or leaves any litter on any public or private property, or in any water, commits littering. It is an affirmative defense that:
1. Such property is an area designated by law for the disposal of such material, and the person is authorized by the proper public authority to so use the property; or
 2. The litter is placed in a receptacle or container installed on such property, for the purpose; or
 3. Such person is the owner or tenant in lawful possession of such property, or has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of such owner or tenant.
- B. As used in this section:
1. The term "litter" means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind and description.
 2. The phrase "public or private property," includes but is not limited to the right-of-way of any road or highway, any body of water or watercourse (including frozen areas or the shores or beaches thereof), any park, playground or building, any refuge, conservation or recreation area and any residential farm or ranch properties or timberlands.
- C. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this section, the operator of the motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped or dumped therefrom.
- D. The affirmative defense set forth in Subsection B.3 of this section shall not be deemed to authorize any conduct prohibited by other provisions of this chapter, or by other provisions of this Code.
- E. Littering is unlawful and is prohibited.

(Ord. 286 §6(part). 1986; Ord. 309 (part),

9. 24. 140. Throwing Sharp Objects in Public Streets

It is unlawful for any person to throw, cast or place any glass, tacks, sharp-edged stones, nails, bits of wire, sharp or pointed articles, or any other thing or substance calculated to or that might damage any vehicle on the public streets, alleys or thoroughfares of the Town.

(Ord. 268 §6(part) 1986)

9. 24. 150. Discharge onto Street

It is unlawful for any person, firm or corporation to permit the flow or discharge into or onto any portion of any public

street, alley, right-of-way or any public property or private property of any liquid or semi-liquid or any other substance other than uncontaminated water from any property or vehicle or any other source. The person, firm or corporation causing the flow into public streets, alleys, right-of-way or any public or private property shall immediately notify the local law enforcement authority of such flow and shall immediately take all necessary steps to clean up the unlawful discharge and shall be responsible for all costs and damages caused by such discharge.

(Ord. 286 §6(part), 1986)

9. 24. 160. REPEALED

REPEALED

HISTORY

- Original
- Ord. 542, Section 1, 2023

9. 24. 170. Abandoning Iceboxes and Items with Compartments

Any person abandoning or discarding in any public place or private place accessible to children any chest, closet, piece of furniture, refrigerator, icebox or motor vehicle, or other article having a compartment of a capacity of one and one-half (1 ½) cubic feet or more, and having a door or lid which, when closed, cannot be opened easily from the inside, or who, being the owner, lessee or manager of such place knowingly permits such abandoned or discarded article to remain in such condition, commits a violation of this section.

(Ord. 286 §6(part), 1986)

9. 24. 180. Burning Trash or Other Matter

Any person who intentionally, and without lawful authority, sets on fire, or causes to be set on fire, any trash, leaves, lumber, matter or grounds of any description, whether his own or those of another, except in a fireplace, stove or outdoor grill or fire pit, for the purpose of heating a residence or preparing food, violates this section.

(Ord. 286 §6(part), 1986)

9. 24. 190. Obstructing Public Ways- -Snow Removal

- A. It is the duty of all persons within the corporate limits of the Town to keep the sidewalks in front of an adjacent to the tenements and grounds occupied by them clear of snow and ice, and after any fall of such snow such persons shall remove the same from such sidewalks within twenty-four (24) hours after such snowfall.
- B. Wherever houses or other buildings shall be occupied by several tenants, it is the duty of the persons occupying the story or stories nearest such sidewalks to clean the snow and ice from the same. Where the basement of any building shall extend below the level of the ground, the second story shall be deemed nearest as aforesaid; provided that no occupant shall be required to keep clear as aforesaid any such sidewalk for a greater number of feet than may be contiguous or opposite to any premises actually occupied by him.
- C. Where any premises, or parts of premises, are not occupied in any manner, it is the duty of the owner thereof to comply with the requirements of this section.

(Ord. 286 §6(part, 1986)

9. 24. 200. Illegal Obstruction of Walkway

No person may obstruct a public sidewalk or right-of-way with personal property, displays, or signs except as allowed pursuant to this Ordinance;

A. Exceptions: This section shall not apply to:

1. Authorized sidewalk displays kept and maintained as allowed in this section;
 - a. As used in this section, sidewalk display shall mean any item placed on the public-right-of-way by the business and/or property owner(s) including but not limited to portable signs, merchandise, etc.
 - b. Each storefront is allowed one (1) sidewalk display item.
 - c. The sidewalk display must be placed a minimum of twenty-four (24) inches from the curb face but not more than sixty-six (66) inches from the curb face.
 - d. The sidewalk display must fit within a footprint of thirty-six (36) inches deep (as measured perpendicular to the curb) and sixty (60) inches long (as measured parallel to the curb).
 - e. The sidewalk display may not be taller than sixty (60) inches.
 - f. The location of the sidewalk display must fall entirely in front of the applicable storefront.
 - g. The sidewalk display may only be displayed during business hours and must be removed from the sidewalk all other times.
 - h. No items may hang from the trees, buildings, or awnings with the exception of appropriate holiday light strings.
2. Parking of vehicles in designated right-of-way parking areas.
3. Parking of bicycles in Town authorized bicycle racks located on the public sidewalk or right-of-way.
4. Benches for public use placed by churches, non-profit entities, or municipal
 1. Upon a first conviction for violation of this Section 9.24.200 the municipal government;

B. Violations. Property placed on a walkway or within a right-of-way which impedes or obstructs pedestrian travel, except as allowed in this section, is hereby declared a violation of this Code and subject to removal.

C. Penalties. Any person violating this section may be charged and prosecuted for violation of the Code, and is subject to all penalties provided for violation of said Code.

1. Upon a first conviction for violation of this Section 9.24.200 the municipal judge may impose any penalty up to the maximum allowed under this Code. Each day of continuing violation shall be deemed a separate "first" violation.
2. Conviction of a second violation of Section 9.24.200 shall result in a mandatory fine of the maximum amount allowed under the Code. Each day shall be deemed a separate violation.

Chapter 9. 28 Offenses By or Against Minors

Sections:

- 9. 28. 010 Curfew- -Hours
- 9. 28. 020 Responsibility of Parent or Guardian
- 9. 28. 030 Charge for Retaining Minors
- 9. 28. 040 Possession and Consumption of Alcohol by Persons Under Twenty-One

9. 28. 050 Prohibiting the Possession and Use of Tobacco or Marijuana Products by Minors

9. 28. 010. Curfew- -Hours

It is unlawful for any minor who has not reached his eighteenth birthday to be or remain upon any street or alley or other public place within the Town, or to remain in any establishment open to the public generally within the Town, between the hours of 10:00 p.m. and 5:00 a.m., except:

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

(Ord. 286 §7(part), 1986; Ord. 344 §1, 1994)

9. 28. 020. Responsibility of Parent or Guardian

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 of this chapter.

(Ord. 286 §7(part), 1986; Ord. 344 §1, 1994)

9. 28. 030. Charge for Retaining Minors

The parent or legal guardian of a minor child who violates curfew shall be charged a fee of forty dollars (\$40.00) to reimburse the cost to the Police Department for holding the minor child in their custody until such time that such minor is returned to the custody of their parent or legal guardian.

(Ord. 344 §1, 1994)

9. 28. 040. Possession and Consumption of Alcohol by Persons Under Twenty-One

- A. As used in this section, unless the context otherwise requires:
 - 1. "Ethyl alcohol" means any substance which is or contains ethyl alcohol (C₂H₅OH).
 - 2. "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.
- B. Any person under the age of twenty-one (21) years who possesses or consumes ethyl alcohol anywhere in the Town commits the crime of Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person. Illegal Possession or Consumption of Ethyl Alcohol by an Underage is a strict liability offense.
 - 1. Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for more than one (1) year, or by both such fine and imprisonment.
- C. It shall be an affirmative defense to a violation of this section when the existence of ethyl alcohol in a person's

body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed, or intended primarily for the purpose of other than oral human ingestion, or the ingestion of any substance which was manufactured, designed, or intended solely for medicinal or hygienic purposes, or solely from the ingestion of a beverage which contained less than one-half of one percent (.05%) of ethyl alcohol by weight.

- D. During any trial for a violation of this section, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on any such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, wherever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol," "liquor" or any other product generally recognized as being an alcoholic beverage shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.
- E. Nothing in this section shall be construed to limit or preclude prosecution for any offense pursuant to Article 46, 47 or 48 of Title 12, C.R.S., except as provided in such articles.
- F. The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of this section upon and showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting alcohol by the executive director of the Colorado Department of Health.
- G. In any proceeding in municipal court concerning a charge under this section, the court shall take judicial notice of methods of testing a person's blood, breath, saliva or urine for the presence of alcohol and the design and operation of devices certified by the Department of Health for testing a person's blood, breath, saliva or urine for the presence of alcohol. This subsection shall not prevent the necessity of establishing during the trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this subsection shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

(Ord. 369 §1, 1997)

9. 28. 050. Prohibiting the Possession and Use of Tobacco or Marijuana Products by Minors

- A. Intent. It is the intent of this section to protect the public health, safety and welfare by prohibiting the possession and use of tobacco or marijuana products by minors and by prohibiting the dissemination and furnishing of tobacco products to minors.
- B. Definitions. As used in this section, the following words are phrases and defined as follows:
 1. Minor" means any person younger than eighteen (18) years of age.
 2. "Smoking" means the holding or carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind and includes the lighting of a pipe, cigar, or cigarette of any kind.
 3. "Tobacco Product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
 4. "Marijuana Product" means any cannabis product, substance, or derivative containing THC which may be utilized for smoking or ingestion in any manner,
 5. "Retailer" means any person who sells cigarettes or smokeless tobacco to individuals for personal

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consumption or who operates a facility where vending machines or self-service displays are permitted under this section.

C. Unlawful Possession or Use of Tobacco Products or Marijuana Products by Minors.

1. It shall be unlawful for any minor to knowingly possess, consume, or use, either by smoking, ingesting, absorbing, or chewing, any tobacco product or marijuana product.
2. It shall be unlawful for any minor knowingly to obtain or attempt to obtain any tobacco product or marijuana product by misrepresentation of age or by any other method.
3. It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.
4. The municipal court may, in its discretion and as part of the sentence to be imposed, require a person convicted of violating any portion of this section to complete court-approved public service in an amount up to twenty-four (24) hours. Additionally, upon the first conviction of any person, the court shall emphasize education as a component of any sentence.

D. Unlawful Furnishing of Tobacco Products or Marijuana Products to Minors.

1. It shall be unlawful for any person to knowingly furnish to any minor, by gift, sale, or any other means, any tobacco or marijuana products.
2. Each retailer shall verify by means of photographic identification containing the bearer's date of birth that a person purchasing a tobacco product is eighteen (18) years of age or older. No verification is required for any person over the age of twenty-six (26). It shall be an affirmative defense to a prosecution under this section that the person furnishing the tobacco product was presented with and reasonably relied upon photographic identification containing the bearer's date of birth which identified the minor receiving the product as being the required age or older.

E. Retail Sale of Tobacco or Marijuana Products.

1. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ or permit any minor to sell tobacco products from such retail business.
2. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to stock or display a tobacco product without first securing the physical assistance of an adult business employee for each transaction. The provisions of this Subsection 2 shall not apply to stores possessing a valid retail liquor store license, as defined by the Colorado Liquor Code, issued by the Town and to vending machines meeting the requirements of Section F of this Code.
3. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ or permit the sale of marijuana products from such retail business.

F. Vending Machines.

1. It shall be unlawful for any person to sell or offer to sell any tobacco product by use of a vending machine or other coin-operated machine, except that tobacco products may be sold at retail through vending machines only in places to which minors are not permitted access and such vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner.
2. It shall be unlawful for any person to possess or allow upon premises controlled by such person an operable vending machine containing any tobacco product unless such vending machine is located in a place where minors are not permitted access and such vending machine is under direct supervision of the owner of the

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establishment or an adult employee of the owner.

3. As used in this section, "under direct supervisions" means the vending machine shall be in plain vision of the adult employee or owner during regular business hours.

G. It shall be unlawful for any person to sell or offer to sell any marijuana product by use of a vending machine or other coin operation machine.

(Ord. 370 §1, 1998)

Chapter 9. 30 Fireworks

Sections:

9. 30. 010 Definitions

9. 30. 020 Manufacture, Sale, Use or Possession of Fireworks

9. 30. 030 Knowingly Provide Private Property for Possession or Use of Illegal Fireworks

9. 30. 040 Evidence

9. 30. 050 Seizure of Illegal Fireworks

9. 30. 060 Penalty

9. 30. 010. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Display means a supervised public display of fireworks by municipalities, fair associations, amusement parks or other organizations.

Fireworks means any combustible or explosive composition, or any substance or combination of substances or particles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons that require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Day-Glo bombs, any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substances, except that the term "fireworks" shall not include automobile flares, sparklers or other devices of like construction, paper caps containing not in excess of an average of 0.25 of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the same and use of which shall be permitted at all times.

Permissible fireworks means the following small fireworks devices designed to produce audible or visual effects by combustion, complying with the requirements of the United States Consumer Product Safety Commission as set forth in 16 CFR 1500.1 to 1500.272 and 1507.1 to 1507.12, and classified as consumer fireworks UN0336 and UN0337 pursuant to 49 CFR 172.101:

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1. Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than 200 grams;
2. Cone fountains, total pyrotechnic composition not to exceed 50 grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than 200 grams;
3. Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 200 grams for each complete wheel;
4. Ground spinner, a small device containing not more than 20 grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
5. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed 200 grams each;
6. Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed 100 grams, of which the composition of any chlorate or perchlorate shall not exceed five grams;
7. Any of the following that do not contain more than 50 milligrams of explosive composition:
 - a. Explosive auto alarms;
 - b. Toy propellant devices;
 - c. Cigarette loads;
 - d. Strike-on-box matches; or
 - e. Other trick noise makers;
8. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than 25 units;
9. Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
10. Multiple tube devices with:
 - a. Each tube individually attached to a wood or plastic base;
 - b. The tubes separated from each other on the base by a distance of at least one-half of one inch;
 - c. The effect limited to a shower of sparks to a height of no more than 15 feet above the ground;
 - d. Only one external fuse that causes all of the tubes to function in sequence; and
 - e. A total pyrotechnic composition of no more than 500 grams.

9. 30. 020. Manufacture, Sale, Use or Possession of Fireworks

Pursuant to section 5601.1.3 of the International Fire Code, as adopted by the town at section ENTER ORDINANCE NUMBER, the possession, storage, sale, handling and use of fireworks is illegal except as set forth herein.

1. The fire department or the Town of Ault may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks and retail sale of fireworks within the town.
 - a. Such permits may be granted upon application to the fire department or town.
 - b. The department or town may prescribe reasonable requirements for the issuance of such permits, including, but not limited to, a reasonable fee for such permits, the posting of an appropriate bond, limitation as to the type of fireworks displayed, time and location of such display, requirements concerning the licensure or certification of the operator of the display and disposal of unused fireworks.

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- c. Permits issued by the fire department for a public display of fireworks within the town must be reviewed and approved in writing by the chief of police or designee. No permit issued by the fire department shall be valid in the absence of the written approval thereof by the chief of police or designee.
2. Permissible fireworks may be possessed, stored, sold, handled and used within the town by any individual age 16 years and older.
3. Permissible fireworks may be possessed and used within the city by an individual under the age of 16 years, if the individual is under adult supervision.

9. 30. 030. Knowingly Provide Private Property for Possession or Use of Illegal Fireworks

No one who owns, rents, leases or controls private property shall knowingly allow any person to possess or use fireworks, except for permissible fireworks as allowed in section 9.30.010, anywhere on said property.

9. 30. 040. Evidence

The court shall not preclude evidence regarding violations of this chapter based solely on the fact that the firework was destroyed by its use, ignition, or discharge.

9. 30. 050. Seizure of Illegal Fireworks

Members of the police or fire department shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale or stored or held in violation of this chapter or of the adopted portions of the International Fire Code.

9. 30. 060. Penalty

Any person who violates this chapter commits a misdemeanor offense and shall be fined not less than \$1,000.00, plus any additional penalties assessed pursuant to title 1 of this Code.

Chapter 9. 32 Weapons

Sections:

- 9. 32. 010 Definitions
- 9. 32. 020 Possession of an Illegal Weapon
- 9. 32. 030 Prohibited Weapons- -Concealing or Displaying
- 9. 32. 040 Prohibited Weapons- -Forfeiture
- 9. 32. 050 Disposition of Forfeited Weapons
- 9. 32. 060 Discharge within Town Prohibited; Exceptions; Range Rules

9. 32. 010. Definitions

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A. As used in this chapter, unless the context otherwise requires:

1. "Blackjack" means and includes any Billy-sand club, sandbag or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact.
 2. "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of the possessor.
 3. "Firearm Silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearms to be silent or intended to lessen or muffle the noise of the firing of any weapon.
 4. "Gas Gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.
 5. "Gravity Knife" means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever, or other device.
 6. "Knife" means any dagger, dirk, knife or stiletto with a blade over three and one-half (3 1/2) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.
 7. "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.
 8. "Short Rifle" means a rifle having a barrel or barrels less than sixteen (16) inches long, or an overall length of less than twenty-six (26) inches.
 9. "Short Shotgun" means a shot gun having a barrel or barrels less than eighteen (18) inches long, or an overall length of less than twenty-six (26) inches.
 10. "Switch Blade Knife" means any knife, the blade of which opens automatically by hand pressure applied to a button, spring, or other device in its handle.
- B. It is an affirmative defense to any provision of this chapter that the act was committed by a peace officer in the lawful discharge of his duties.

(Ord. 286 §8 (part), 1986)

9. 32. 020. Possession of an Illegal Weapon

- A. As used in this section "illegal weapon" means a blackjack, bomb, firearm suppressor, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.
- B. A person, other than a peace officer or member of the armed forces of the United States or Colorado National Guard, acting in the lawful discharge of his duties, or a person who has valid permit and license pursuant to the federal code for such weapon, commits a violation if he possesses an illegal weapon. The exceptions in this subsection shall be an affirmative defense.

(Ord. 286 §8(part), 1986)

9. 32. 030. Prohibited Weapons- -Concealing or Displaying

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Except as may be allowed pursuant to a valid permit issued under state law, it is unlawful for any person to wear under his clothes, or concealed about his person, or to display in a threatening manner, and dangerous or deadly weapon, including, but not by the way of limitation, any pistol, revolver, slingshot, cross-knuckles, or knuckles of lead, brass or other metal, or any bowie knife, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon.

9. 32. 040. Prohibited Weapons- -Forfeiture

- A. Every person convicted of any violation of Section 9.32.030 of this chapter shall forfeit to the Town such dangerous or deadly weapon so concealed or displayed.
- B. Nothing in this section shall be construed to forbid United States Marshals, Sheriffs, Constables, and their deputies, and any regular, special or ex officio police officer, or any other law enforcement officers, from the carrying or wearing while on duty of such weapons as are necessary in this proper discharge of their duties.

(Ord. 286 §8(part), 1986)

9. 32. 050. Disposition of Forfeited Weapons

It is the duty of every police officer, upon making any arrest and taking such a concealed or deadly weapon from the person of the offender, to deliver the same to the Police Chief, to be held by him until the final determination of the prosecution for such offense, and upon the finding of guilt, it shall then be the duty of the Chief to make disposition of the weapon.

(Ord. 286 §8 (part), 1986)

9. 32. 060. Discharge within Town Prohibited; Exceptions; Range Rules

1. It shall be unlawful for any person to fire, shoot, or discharge any firearm, crossbow, bow and arrow, slingshot, blowgun, BB gun or pellet gun, whether powered with gunpowder, compressed air, or gas cartridges, gas gun, or any weapon whatsoever within the town limits. However, such discharge, firing, or shooting by any law enforcement officer, federal, state, county, or city, in the course of their official duty shall not be deemed a violation of this subsection, and such discharge, firing or shooting at commercial, private, or public shooting ranges or by authorized classes of schools or universities at all times under proper instruction and supervision as may be authorized or permitted by law shall not be deemed a violation of this subsection.
2. All firearm shooting ranges shall operate pursuant to rules and regulations regarding safety and patron conduct at the range. Such rules and regulations shall be submitted to and approved by the Chief of Police.

Chapter 9. 34 Miscellaneous Offenses

Sections:

- 9. 34. 010 Personal Cultivation of Marijuana and Possession of Drug Paraphernalia
- 9. 34. 020 Purpose
- 9. 34. 030 Definitions
- 9. 34. 040 Licensing Ban
- 9. 34. 050 Enforcement

9. 34. 060 Violation / Penalty

9. 34. 010. Personal Cultivation of Marijuana and Possession of Drug Paraphernalia

- A. This section is intended to apply to the growing of marijuana in residential structures for personal use to the extent authorized by Article XVIII, Section 16(3)(b) of the Colorado Constitution.
- B. Definitions. Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution. Other definitions that apply to this section include, but are not limited to, the following:
1. "Primary residence" means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.
 2. "Secure area" means an area within the primary residence accessible only to the person or persons possessing, growing, or processing the marijuana plants for personal use. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals, or anyone not licensed and authorized to possess marijuana.
 3. Within the Town of Ault, any person, for purposes of this section and consistent with Article XVIII, Section 16(3)(b) of the Colorado Constitution, who is twenty-one (21) years of age or older that is cultivating marijuana plants for their own use, may possess, grow, process or transport no more than six (6) marijuana plants, with three (3) or fewer being mature, subject to the requirements that follow.
 4. Such possessing, growing, processing, or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.
 5. Such marijuana plants must be possessed, grown, or processed within the primary residence of the person possessing, growing, or processing the marijuana plants for personal use, as defined herein.
 6. The possession, use, growing and processing of marijuana must not be perceptible from the exterior of the primary residence or create any differential use of the property not normal for a residence, including, but not limited to:
 - a. common visual observation, including any form of signage;
 - b. unusual odors, smells, fragrances, or another olfactory stimulus;
 - c. light pollution, glare, or brightness that disturbs the repose of another; and
 - d. undue vehicular or foot traffic, including excess parking within the residential zone.
 7. Marijuana plants shall not be grown or processed in the common areas of a multi- family or attached residential development. Nothing herein precludes management of multi-family structures from imposing their own contractual rules regarding growing or using marijuana on such premises.
 8. Cultivation, production, growing and processing of marijuana plants within a primary residence in the Town of Ault shall be further subject to the following limitations:
 - a. Within a single - family dwelling unit (as defined by the International Building Code), any such growing for personal use shall occur only in a secure, defined, contiguous one hundred fifty (150)

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square foot area within the primary residence of the person possessing, growing, or processing the marijuana plants for personal use. No more than three (3) adults may grow plants in any residence, and the total plants may therefore never exceed eighteen (18);

- b. Such possession, growing and processing of marijuana plants shall not occur in any accessory structure. Possession, growing, and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, as the same may be amended from time to time.
- c. Any person growing, using, or processing marijuana for personal use must comply in all respects and on a continuing basis with all building, electrical, and fire codes adopted by the Town of Ault.
- d. For cause, and upon reasonable notice, the Town may inspect any premises being utilized to grow marijuana plants to assure compliance with the provisions of this section.

C. Drug Paraphernalia. It shall be unlawful to possess drug paraphernalia, if a person possesses drug paraphernalia and knows or reasonably should know, that the drug paraphernalia is being used in violation of this Code or the laws of the State. "Drug Paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of the State.

HISTORY

- Original
- Ord. 538, Section 2, 2022

9. 34. 020. Purpose

The purpose of this Code is to promote the general public welfare and safety throughout the Town of Ault by prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores.

9. 34. 030. Definitions

Definitions. Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado. Constitution. These definitions include, but are not limited to the following:

- A. "Marijuana" Or "Marihuana" Means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "marijuana" or "marihuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- B. "Marijuana Accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

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- C. "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
- D. "Marijuana Establishment" means A Marijuana Cultivation Facility, A Marijuana Testing Facility, A Marijuana Product Manufacturing Facility, Or A Retail Marijuana Store. "
- E. "Marijuana Product Manufacturing Facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- F. "Medical Marijuana-Infused Products Manufacturer" as used within this Code, a Medical Marijuana-Infused Products Manufacturer is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(10)
- G. "Marijuana Products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. Medical Marijuana-Infused Product, as used within this Code, a Medical Marijuana-Infused Product is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(9).
- H. "Marijuana Testing Facility" means an entity licensed to analyze and certify the safety and potency of marijuana.
- I. "Medical Marijuana Center" as used within this Code, a Medical Marijuana Center is given the identical meaning as that defined in Colorado Revised Statute § 12-43.3-104(8). An entity licensed by a state agency to sell marijuana and marijuana products pursuant to Section 14 of this article and The Colorado Medical Marijuana Code.
- J. "Retail Marijuana Store" means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

(Ord. 462) (Amendment 64, Section 16 to Article XVIII of the Colorado Constitution)

9. 34. 040. Licensing Ban

Operation and Licensing of Medical Marijuana Centers, Optional Premises Cultivation Operation, and Medical Marijuana-Infused Products Manufacturing prohibited. The operation and licensing of Medical Marijuana Centers, Optional Premises Cultivation Operation, and Medical Marijuana-Infused Products Manufacturing is prohibited within the boundaries of the Town of Ault.

No impairment of constitutional rights afforded under Amendment 20. Nothing set forth herein shall be construed or enforced in such a manner as to impair or deny the exercise of the privileges and exemptions afforded "Patients", "Physicians" and "Primary care-givers" as defined in Article XVIII, Section 14(1) of the Colorado Constitution.

9. 34. 050. Enforcement

This Code shall be enforced by the authorized law enforcement agency of the Ault Police Department, and by local code enforcement officials.

9. 34. 060. Violation / Penalty

It shall be unlawful for any person to violate any provision of this section.

Any action violating any of the provisions of this Ordinance shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, for each separate offense. Disposition of fines and forfeitures: Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this Ordinance shall be paid into the Town. Each day shall be deemed a separate violation. Surcharges: In addition to the fines and penalties prescribed in this Ordinance, any person convicted of a violation of this Ordinance shall be subject to the statutory surcharges applicable within the Town. These surcharges shall be paid to the clerk of the court by each person convicted of violating this Ordinance.

Chapter 9. 36 Violation- -Penalty

Sections:

- 9. 36. 010 Violation- -Penalty
- 9. 36. 020 Violation- -Penalty- -Juvenile Offenders
- 9. 36. 030 Parent/Custodian or Guardian Appearance
- 9. 36. 035 Imposing Court Costs

9. 36. 010. Violation- -Penalty

It is unlawful for any person to violate any provisions of this title. Any person who violates any of the provisions of this title for which no other penalty is provided, is guilty of a violation of this title and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed one (1) year, or both such fine and imprisonment.

(Ord. 286 §10, 1986; Ord. 343 §1, 1994)

9. 36. 020. Violation- -Penalty- -Juvenile Offenders

The violation of any section of this 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 misdemeanor; however, such conviction shall be punishable by 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 9. 36. 010 or any specific penalty provision of an 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.

(Ord. 326 §1, 1988; Ord. 343 §2, 1994)

9. 36. 030. Parent/Custodian or Guardian Appearance

The issuance of a municipal summons to any juvenile shall require a mandatory court appearance by the juvenile and the parent/custodian or guardian of such juvenile. The parent/custodian or guardian shall be given written notice by the officer issuing a juvenile a summons of the required appearance pursuant to this section. Failure to comply with such

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appearance by any parent/custodian or guardian without proper cause given before the court shall be punished as contempt of court.

(Ord. 326 §1, 1988)

9. 36. 035. Imposing Court Costs

After determining the appropriate fine for each person who is convicted of violating any Ordinance of the Town, the Municipal Judge shall add thereto court costs according to the Fee Schedule as adopted by the Town.

(Ord. 338 §1, 1991)

HISTORY

- Original
- Ord. 540, Section 1, 2023

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Title 10 - Vehicles and Traffic

Chapters:

- 10.04 Model Traffic Code
- 10.08 Highway 85
- 10.10 Truck Traffic on Local Town Streets
- 10.12 Abandoned and Junked Motor Vehicles
- 10.16 Railroads

Chapter 10.04 Model Traffic Code

Sections:

- 10.04.010 Model Traffic Code Adopted
- 10.04.020 Modifications and Additions
- 10.04.030 Traffic Control Schedules
- 10.04.040 Application
- 10.04.050 Violation - Penalty
- 10.04.060 Validity

10.04.010. Model Traffic Code Adopted

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W Howard Place, Denver, CO 80204; provided that any penalty provisions are expressly not adopted. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Section and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Ault, Colorado, and may be inspected during regular business hours.

(Ord. 430, Section 1, 2006; Ord. 359, Section 1, 1996)

HISTORY

- Original
- Ord. 523, Section 1, 2020

10.04.020. Modifications and Additions

The 2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are modified as follows:

- A. Section 1104 of the 2020 edition of the Model Traffic Code is expressly not adopted and is expressly deleted.
- B. Section 1409(9) of the 2020 edition of the Model Traffic Code is expressly not adopted and is expressly deleted.
- C. All speed limits previously modified and currently enacted by the Town of Ault, as authorized by Section 1102 of

the Model Traffic Code, shall continue to remain in effect and shall not be altered by the adoption of the 2020 edition of the Model Traffic Code.

D. Section 1417 is added to the Model Traffic Code and shall read as follows:

1. Section 1417. Expired license plates/registration/temporary permit.

1. e registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, the payment of the fees required by law, and in accordance with section 42-3-113 (3), not later than the last day of the month following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operated on any street, road, or highway within the Town.
2. No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.
3. A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued.

E. Section 1418 is added to the Model Traffic Code and shall read as follows:

1. Section 1418. Driving without a current valid driver's license.

1. No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by a State Department of Motor Vehicles.
2. No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by a State Department of Motor Vehicles.
3. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a street, road or highway within the Town for which such person has not been issued the correct type or general class of license or permit.
4. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a street, road or highway within the Town without having such license or permit in such person's immediate possession.
5. A charge of a violation of subsection (4) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license issued to such person or an officially issued duplicate thereof if the original was lost, stolen or destroyed; provided that such currently valid driver's license or minor driver's license shall also have been valid on the date the defendant was issued the citation.
6. The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - a. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the

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desirability of avoiding the injury sought to be prevented by this Section; or

b. The applicable conditions for exemption, as set forth in § 42-2-102, C.R.S., exist.

7. The issue of justification or exemption is an affirmative defense. As used in this subsection, affirmative defense means that, unless the prosecutor's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the charge.

HISTORY

- Original
- Ord. 523, Section 2, 2020

10.04.030. Traffic Control Schedules

The traffic control schedules, Schedule I through and including Section IV as set out below are hereby adopted as the traffic control schedules for the Model Traffic Code for Colorado Municipalities as applied to the Town.

SCHEDULE I

Decreased Speed Limits. In accordance with the provisions of Section 1102 of the Model Traffic Code, and when official signs are erected giving notice thereof, the speed limit shall be specified for the following intersections or approaches thereto:

Name of Street or Intersection	Portion Affected (Terminal limits)	Decreased Speed Limit
U.S. 85	Within North & South Town limits	35 mph NB & SB
U.S. Highway 14	West Town limits to U.S. 85	25 mph EB
U.S. Highway 14	U.S. 85 to east Town limits	35 mph EB
Town Streets	All annexed Town streets	25 unless otherwise posted

SCHEDULE II

One-Way Streets. In accordance with the provisions of Section 1006 of the Model Traffic Code and when official signs are erected giving notice thereof, traffic shall move only in the direction indicated upon the following streets:

Name of Street	Affected Portion	Direction
Fry Street	All	Eastbound

SCHEDULE III

Stopping, Standing, or Parking During Certain Hours on Certain Streets Prohibited. In accordance with the provisions of Section 1204 of the Model Traffic Code and when official signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified herein on any day except Sundays and public holidays as defined in Section 25-5(c) upon any of the streets or parts of streets as follows:

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Name of Street	Portion Affected	Regulation Effective
U.S. Highway 14 to west Town Limit East Third Avenue	All (no truck parking)	All times
East Third Avenue	All (no truck parking)	All times

SCHEDULE IV

Traffic Signals Authorized. In accordance with the provisions of Section 603 of the Model Traffic Code, traffic control signals of the type indicated herein:

Location	Type of Signal
U.S. Highway 14 and U.S. Highway 85	Traffic Light
U.S. Highway 14 and First Avenue	Traffic Light

(Ord. 359, Section 1, 1996)

10.04.040. Application

This Chapter shall apply to every public street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality or county, the use of which this municipality or county has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality or county.

(Ord. 359, Section 1, 1996)

HISTORY

- Original
- Ord. 523, Section 3, 2020

10.04.050. Violation - Penalty

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

- A. It is unlawful for any person to violate any of the provisions adopted or added in this Chapter.
- B. Every person convicted of a violation of any provision adopted in this Chapter shall be punished by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.00), or by imprisonment not exceeding three hundred sixty four (364) days, or by both such fine and imprisonment.

(Ord. 359, Section 1, 1996; Ord. 368, Section 2, 1997; Ord. 372, Section 1, 1998)

HISTORY

- Original

- Ord. 523, Section 4, 2020

10.04.060. Validity

If any part or parts of this Chapter are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Chapter. The Town Board of Trustees hereby declares that it would have passed this Chapter and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Chapter 10.08 Highway 85

Sections:

- 10.08.010 Dedication- -Designation
- 10.08.020 Encroachments
- 10.08.030 Parking
- 10.08.040 Traffic Regulations
- 10.08.050 Violation- -Penalty

10.08.010. Dedication- -Designation

US Highway 85 is dedicated to the People of the State, it being expressly recognized that US Highway 85 has priority over all local streets and alleys intersecting with it. The said street is designated a Town street and to be named and described as Highway 85.

(Prior Code, Section 17-6)

10.08.020. Encroachments

No commercial activity or encroachment shall be permitted within the right-of-way boundaries of Highway 85. The distance between curbs shall be in accordance with the following schedule:

Location	Medium Width
South Town Limits to First Street	68.5 feet
First Street to north Town limits	82.0 feet

(Prior Code, Section 17-7)

10.08.030. Parking

Parking on any portion of Highway 85 lying within the Town is totally prohibited, with the exception that parking shall be permitted on the west side of Highway 85 from the north Town limits southward to a point sixty (60) feet south of the southwest corner of the intersection of Second Street and Highway 85 and southward from the intersection of First Street and Highway 85 to the south Town limits, and from the north Town limits southward to First Street on the east side of Highway 85; provided, however, that parking shall not be permitted in the above-designated areas when snow removal operations are in progress or can reasonably be anticipated to commence; provided further that parking, when permitted, shall be in accordance with Colorado Revised Statutes, Section 42-4-1205, 1995, 42-4-1205.

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A. Parking at curb or edge of roadway.

1. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, as amended. Parking in the areas designated in this section shall be of the parallel type. (Prior Code, Section 17-8)

(Prior Code, Section 17-9; Ord. 315, Section 1, 1988)

10.08.040. Traffic Regulations

No person shall violate any of the provisions of Title 43, C.R.S., nor any of the rules or regulations issued pursuant thereto, while operating a motor vehicle on Highway 85 within the Town limits. All traffic and parking regulations hereafter adopted by the Board of Trustees of the Town which pertain to Highway 85 shall be submitted to the Department of Transportation, State of Colorado, for approval as provided in Section 43-2-135, C.R.S., before they become effective.

(Prior Code, Section 17-10)

10.08.050. Violation- -Penalty

Any violations of this chapter shall be punishable in the same manner as provided by this Code regulating the use of public streets. Any police officer of the Town is authorized and required to enforce the provisions of this chapter, and the municipal judge shall have jurisdiction to hear and try any person charged with violating this chapter and, if such person is guilty, to punish such person as provided in the Code mentioned in Section 10.04.040 of this title regulating the use of public streets.

(Prior Code, Section 17-11)

Chapter 10.10 Truck Traffic on Local Town Streets

Sections:

10.10.010 Truck Traffic on Local Town Streets

10.10.020 Automobile Noise

10.10.010. Truck Traffic on Local Town Streets

Local Streets shall be posted against use by commercial trucks not on specific deliveries to local businesses, and to prosecute drivers violating such postings by citation and fine pursuant to this Code.

- A. The Public Works Director for the Town is authorized to post signs prohibiting truck traffic on local streets at such locations as he believes will best advise truckers of such restriction;
- B. Drivers convicted of violating this ordinance shall be subject to fines not exceeding \$500.00 per violation.;

All sections of the AULT Municipal Code inconsistent with the foregoing are hereby repealed.

10.10.020. Automobile Noise

1. "Jake Brakes." It is unlawful for any person to use within Town limits a device which is commonly called a "Jake Brake", as such device has been determined by the Board to cause such an unreasonable and unnecessary noise so as to constitute a public nuisance. For the purposes of this section, a "Jake Brake" (also referred to as an engine brake) is a device which can be installed on diesel engines of trucks, or other motor vehicles, for slowing or stopping such vehicle by releasing stored, compressed air from the cylinder at the top of the piston's stroke.

Chapter 10. 12 Abandoned and Junked Motor Vehicles

Sections:

10. 12. 010 Authorization for Removal of Vehicles

10. 12. 020 Storage and Disposal

10. 12. 030 Definitions

10. 12. 040 Abandonment Prohibited

10. 12. 050 Junked Vehicles Prohibited- -Exceptions

10. 12. 060 Storage and parking of buses, camper coaches, trailer coaches, motor homes, self-propelled motor homes, recreational equipment, or recreational vehicles

10. 12. 010. Authorization for Removal of Vehicles

Members of the police department are authorized to remove a vehicle or have removed a vehicle to the nearest designated place of safety by the Town under circumstances hereinafter enumerated:

- A. When any vehicle is left unattended upon any bridge, causeway or viaduct or in any subway or underpass, where such vehicle constitutes an obstruction to traffic.
- B. When any driver/operator or person in charge of a vehicle is by reason of physical injury, medical emergency or otherwise incapacitated to such an extent as to be unable to provide such vehicle's custody and removal.
- C. When a vehicle is found being driven on the streets in an unsafe and hazardous condition.
- D. When a vehicle is parked illegally and constitutes a definite hazard or obstruction to the normal movement of traffic or proper street or highway maintenance or is parked in a manner on the public street or private driveway which does not afford the property owner of such property access.
- E. When a vehicle is in violation of this Code pertaining to unlawful abandonment as defined in Section 10.12.030 herein.
- F. When a driver/operator of a vehicle is taken into custody by police and the vehicle would become unattended and the driver/operator/owner refused to sign a vehicle release waiver of liability as provided by the police at the time of placement in custody.
- G. When removal is in the critical interest of public safety because of natural weather emergencies, fire or other emergency reasons.
- H. Any vehicle failing to display number plates or failing to display the proper number plate or plates assigned to such vehicle under the provisions of Chapter 42, C.R.S., or displaying number plates in such a manner as to reasonably indicate a violation of any provision of said Chapter 42 or any other provision of state law with respect to motor vehicle number plates, while parked, attended or unattended, or traveling upon the streets, highways or roadways of the Town, or if plates have been removed, other identifying marks, i.e. VIN number, not present, removed or altered.

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- I. No officer of the police department or anyone operating at his direction shall be liable for towing fees, subsequent storage fees, or any damage to such vehicle occasioned by such removal. The owner of the vehicle is responsible for all costs associated with removal, impoundment and for release of the vehicle due to any removals enumerated in this chapter.

(Ord. 325 §2, 1988)

10. 12. 020. Storage and Disposal

Whenever an officer removes and impounds or stores a vehicle as authorized in Section 10. 12. 010, such vehicle will be stored or disposed of in accordance with the provisions of Section 42-4-1103, C.R.S.

(Ord. 325 §2, 1988)

10. 12. 030. Definitions

The following definitions shall apply in the interpretation and enforcement of this article:

A. "Abandoned Vehicle" means:

1. Any vehicle left unattended on private property for a period of thirty (30) days or more without the authorization of the lessee or owner of such property or his legally authorized agent;
2. Any vehicle left unattended on public property, including any portion of a highway, street, alley or other right-of-way for a period of twenty-four (24) hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice indicating his intention to return, or has otherwise notified the police department of his intention to remove same within seventy-two (72) hours.

B. "Junked" means any vehicle which:

1. Does not bear valid, unexpired license plates, unless of a type specifically exempted from motor vehicle licensing by the laws of the State of Colorado; or
2. If designed to be capable of moving itself when in proper repair, is incapable of being moved under its own power in its existing condition, or does not have all wheels and tires.

C. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

D. "Property" means any real property within the Town which is not a street or highway. Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

E. "Vehicle" means any conveyance designed to be self-propelled. A thing used for transporting people or goods, especially on land, such as a car, truck, or cart. A trailer is generally an unpowered vehicle towed by a powered vehicle. It is commonly used for the transport of goods and materials. Sometimes recreational vehicles, travel trailers, or mobile homes with limited living facilities, where people can camp or stay have been referred to as trailers.

(Ord. 174, 1971; Ord. 304, 1987; Ord. 325 §2, 1988)

HISTORY

- Original
- Ord. 500, 2017

10.12.040. Abandonment Prohibited

It is unlawful for any person to abandon any vehicle within the corporate limits of the Town.

(Ord. 325 §2, 1988)

10.12.050. Junked Vehicles Prohibited- -Exceptions

It is unlawful to keep any junked motor vehicle in the Town or on any premises except that this section shall not apply under the following conditions which shall constitute an affirmative defense hereunder:

- A. The vehicle is stored within a completely enclosed structure.
- B. The vehicle is located upon the premises of a lawfully zoned vehicle repair or vehicle storage business.
- C. In nonresidential areas, said vehicle is screened by a concealing fence not less than six (6) feet in height and otherwise complying with Town Ordinances applicable to such fence, rendering the vehicle not visible to persons on adjacent private or public property to the extent that such concealment can be reasonably obtained under the conditions of topography and other attendant circumstances.
- D. A maximum of one (1) vehicle per lot or parcel of real property is permitted if the vehicle is currently undergoing repair or is awaiting the settlement of an insurance claim, provided the vehicle is removed, or brought into compliance within ninety (90) days.

(Ord. 174 (part), 1971; Ord. 325 §2, 1988)

10.12.060. Storage and parking of buses, camper coaches, trailer coaches, motor homes, self-propelled motor homes, recreational equipment, or recreational vehicles

- A. No person shall store any bus, camper coach, trailer coach, motor home, self-propelled motor home, recreational equipment, or recreational vehicle in any front yard.
- B. Any such bus, camper coach, trailer coach, motor home, self-propelled motor home, recreational equipment, or recreational vehicle shall be stored or parked on a paved or gravel driveway or another suitable hard surface approved by the Town.
- C. Any such bus, camper coach, trailer coach, motor home, self-propelled motor home, recreational equipment, or recreational vehicle shall not be stored or parked over or on a utility meter or public or private easement or right-of-way unless approved by the Town.
- D. No person shall park any bus, camper coach, trailer coach, motor home, self-propelled motor home, recreational equipment, or recreational vehicle upon the street, highway, road, alley or other such right-of-way for more than twenty-four hours. If so parked for less than the twenty-four-hour period, it shall be parallel to the edge of the right-of-way, and out of the flow of moving traffic.

Chapter 10. 16 Railroads

Sections:

10.16.010 Conformance to Grade Required

10.16.020 Notice to Railroad Upon Grade Change

10.16.030 Drainage Maintenance

- 10.16.040 Crossings- -Protective Measures
- 10.16.050 Crossings- -Standard Signs- -Placement
- 10.16.060 Crossings- -Standard Signs- -Inspection
- 10.16.070 Crossings- -Bell Warnings
- 10.16.080 Whistling Posts
- 10.16.090 Pedestrian Regulations
- 10.16.100 Crossings- -Blocking- -Time Limits
- 10.16.110 Speed Limits

10.16.010. Conformance to Grade Required

Every railroad company, corporation or person owning or operating a line of railroad running through or within the limits of the Town shall keep the track of their railroads, when the same shall cross or extend lengthwise of any sidewalk, street, alley, or highway, on a level with the surface of such sidewalk, street, alley or highway, and shall raise or lower their tracks when required to conform to any grade of such street, which at any time may be established by the Board.

(Prior Code §15-1)

10.16.020. Notice to Railroad Upon Grade Change

Whenever at any time the grade of any street, alley, or highway of the Town, across or lengthwise of which any railroad track may now or hereafter be constructed, shall be established, raised, lowered, or in any manner changed, the company, corporation or persons owning or operating such railroad shall raise or lower (as the case may be) their road beds and tracks to correspond with such grade, pursuant to Section 10.16.010 of this chapter, within ten (10) days after receiving written notice of such establishment or change of grade, and upon failure to do so, or upon failure to comply with any provisions of Sections 10.16.010 and 10.16.030 of this chapter, within ten (10) days after written notice and demand, shall be subject to a penalty as provided in Section 1.12.010 of this Code for each and every day thereafter during which such failure shall continue, unless for good cause shown the Board shall allow additional time. All changes of grade and all work done by such railroad company, corporation or person, pursuant to this section and Sections 10.16.010 and 10.16.030 of this chapter, shall be subject to the approval of the town engineer.

(Prior Code §15-2)

10.16.030. Drainage Maintenance

Every such railway company, corporation or person owning or operating any such line of railway shall make and keep open and in repair all ditches, drains, sewers and culverts along and under their railroad tracks, and keep all filthy and stagnant water from standing upon its ground and right-of-way, and keep the natural drainage of adjacent property from being impeded by their roadbeds.

(Prior Code §15-3)

10.16.040. Crossings- -Protective Measures

Every railroad company, corporation or person owning or operating any such line of railway which crosses regularly

traveled streets or avenues in the Town shall provide, keep and maintain adequate mechanical crossing protection and safeguards for the safety and convenience of pedestrians and operators of vehicles using such streets and avenues over and across railroad tracks.

(Prior Code §15-4)

10.16.050. Crossings- -Standard Signs- -Placement

At all railroad crossings in the Town standard crossing signs shall be erected, kept and maintained; such warning signs to be placed on each side of the right-of-way so as to warn persons approaching the tracks of the presence of such tracks, and the possibility of the approach to such crossing of trains, engines and cars.

(Prior Code §15-5)

10.16.060. Crossings- -Standard Signs- -Inspection

It is the duty of the Police Chief and his officers to regularly inspect mechanical equipment installed for crossing protection, and to report any defects found.

(Prior Code §15-6)

10.16.070. Crossings- -Bell Warnings

Every engineer or other person in charge of any locomotive engine within the Town, upon approaching any public crossing, street or highway, shall ring or cause to be rung a bell to warn all persons of the approach of such locomotive engine and shall continue to ring such bell or cause the same to be rung until such locomotive engine and train of cars have cleared such crossing.

(Prior Code §15-7)

10.16.080. Whistling Posts

Every railroad company, corporation or person owning or operating a line of railroad any portion of which lies within the Town limits shall place at the Town limits a whistling post, and all persons in charge of any engine or train shall, upon approaching such post, blow or cause to be blown a whistle, and until such time as the engine to notify all persons in charge thereof shall ring or cause to be rung the bell upon such engine to notify all persons of the approach of such engine or train.

(Prior Code §15-8)

10.16.090. Pedestrian Regulations

All persons, both pedestrians and operators of vehicles, approaching or crossing the railroad rights-of-way shall give heed to all warning signs, whether by watchmen, trainmen, switchmen, or by manual or mechanical signal, and shall stop when the warning signal so indicates and proceed only at their own risk thereafter until the go-ahead signal is given or warning ceases.

(Prior Code §15-9)

10. 16. 100. Crossings- -Blocking- -Time Limits

No railroad company, corporation or person owning or operating any line of railroad, their agents or employees, shall suffer or allow their train or cars, or locomotives to stand or remain stationary upon, across or over any street or avenue in the Town where the same is crossed by its railroad track for a period of more than five (5) consecutive minutes at any one (1) time.

(Prior Code §15-10)

10. 16. 110. Speed Limits

Whenever trains, engines or cars are moved across any street or avenue in the Town on the main track, the speed thereof shall not exceed seventy (70) miles per hour; and whenever trains, engines or cars are moved across any street or avenue in the Town on tracks, other than the main tracks, the speed thereof shall not exceed twenty (20) miles per hour. A backward movement shall not be made over any crossing unless the crossing is protected by a trainman or flagman who shall give warning to all persons approaching such crossings, by waving a suitable flag or sign during the daylight hours, and by waving a red light or lantern during the night hours, of the approach to such crossings of such backing trains.

(Prior Code §15-11)

Title 11 - Oil and Gas Drilling and Production

Chapters:

- 11. 01 Purpose
- 11. 02 Definitions
- 11. 03 Requirements and Procedures
- 11. 04 Application Elements
- 11. 05 Review Criteria
- 11. 06 Notice to Proceed
- 11. 07 Building Permit
- 11. 08 Development Setbacks from Wells and Facilities
- 11. 09 Compliance with State Environment Requirements
- 11. 10 Geologic Hazard, Floodplain, Floodway Location Restrictions
- 11. 11 Access Roads
- 11. 12 Public Roads Impact
- 11. 13 Wildlife Impact Mitigation
- 11. 14 Emergency Response Costs
- 11. 15 Violation and Enforcement

Chapter 11. 01 Purpose

Sections:

- 11. 01. 010 Purpose of Provisions
- 11. 01. 020 Applicability of Provisions

11. 01. 010. Purpose of Provisions

- A. These regulations are enacted to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the present and future residents of the Town.
- B. It is the Town's intent by enacting these regulations to facilitate the development of oil and gas resources within the Town, while mitigating potential land use conflicts between such development and existing, as well as planned land uses.
- C. It is recognized that under Colorado law, the surface and mineral estates are separate and distinct interests in land and that one (1) may be severed from the other.

11. 01. 020. Applicability of Provisions

- A. Owners of subsurface mineral interests have certain legal rights and privileges including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of these regulations and any applicable statutory and regulatory requirements.
- B. The State has a recognized interest in fostering the efficient development production and utilization of oil and gas resources, and in the prevention of waste and protection of the correlative rights of common source owners and producers to a fair and equitable share of production profits.
- C. Owners of the surface estate have certain legal rights and privileges including the right to have the mineral estate

developed in a reasonable manner.

- D. Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction.
- E. These regulations are intended as an exercise of this land use authority.

Chapter 11. 02 Definitions

Sections:

11. 02. 010 Definitions

11. 02. 010. Definitions

All terms used in this Article that are defined in the act or in commission regulations, and not otherwise defined in this section, are defined as provided in the act or in such regulations as of the effective date of this Article. All other words used in this Article are given their usual customary and accepted meaning; and all words of a technical nature, or peculiar to the oil and gas industry. When not otherwise clearly indicated by the context of the matter, the following words and phrases used in this Article have the following meanings:

- A. "Act" means the Oil and Gas Conservation Commission of the State.
- B. "Commission or OGCC" means the Oil and Gas Conservation Commission of the State.
- C. "Day" means a period of twenty-four (24) consecutive hours.
- D. "Injection Well" means any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the commission.
- E. "Inspector" means any person designated by the Town or the Town's designee, who shall have the authority to inspect well sites to determine compliance with this Article and other applicable Ordinances of the Town.
- F. "Oil and Gas Well" means any hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substance.
- G. "Operating Plan" means a general description of a well or production site identifying purpose, use, typical staffing, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure and any other information related to regular functioning of that facility.
- H. "Operator" means the person designated by the working interest owners as operator and named in Commission Form 2 or subsequently filed Commission Form 10.
- I. "Owner" means a person possessing a mineral interest or a leasehold interest in minerals.
- J. "Production Site" means the area surrounding proposed or existing production pits or other accessory equipment required for oil and gas production, at which may also be located tanks and tank batteries, exclusive of transmission and gathering pipelines.
- K. "Re-entering" means accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.
- L. "Sidetracking" means entering the same well head from the surface, but not necessarily following the same well bore, throughout its subsurface extent when operations deviation from such well bore is necessary to reach the objective depth because of an engineering problem.
- M. "Twinning" means the drilling of a well within a radius of fifty (50) feet from an existing well bore when the well cannot be drilled to the objective depth or produced because of an engineering problem, such as a collapsed

casing or formation damage.

- N. "Use Tax" means the tax paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the Town.
- O. "Well" means an oil and gas well or an injection well.
- P. "Well Head" means the equipment attaching the surface equipment to the well bore equipment at the well.
- Q. "Well Site" means that area surrounding a proposed or existing well and accessory structures and equipment necessary for drilling, completion, recompletion, work-over, development and production activities.
- R. All terms used herein that are defined in the Act or in Commission rules and regulations and are not otherwise defined in Subsection A above shall be defined as provided in the ct or in such rules and regulations.

Chapter 11. 03 Requirements and Procedures

Sections:

- 11. 03. 010 Purpose
- 11. 03. 020 Right of Entry
- 11. 03. 030 Inspection
- 11. 03. 040 Use Tax
- 11. 03. 050 Application Fee

11. 03. 010. Purpose

Proposed new wells, re-drilling certain wells and other specific enhancements.

- A. It shall be unlawful for any person to drill a well that has not been previously permitted under this Article, reactivate a plugged or abandoned well or perform initial installation of accessory equipment or pumping systems (in cases where a well is not being drilled) unless a conditional use permit has first been granted by the Town in accordance with the procedure in this Article.
- B. The granting of such conditional use permit shall not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, the State and the United States.
- C. When a conditional use permit has been granted for a well, re-entry of such well for purposes of sidetracking, twinning, deepening, recompleting or reworking shall not require a separate conditional use permit.
- D. The conditional use permit is limited to the current proposed facilities as shown in the approved plan. To the extent the applicant desires, after initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional equipment is necessary for a period of fourteen (14) days or less, notify the Town of installation of such additional equipment.
- E. Within thirty (30) days after completion of operations, the applicant shall provide to the Town "as-built" drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to this point.

11. 03. 020. Right of Entry

For the purpose of implementing and enforcing this Article, duly authorized Town personnel or contractors may enter

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onto the subject property upon notification of the operator, permittee, lessee or other party holding a legal interest in the property. If entry is denied, the Town shall have the authority to discontinue application processing, revoke approved permits and applications, or obtain an order from a court to obtain entry.

HISTORY

- Original
- Ord. 500, 2017

11. 03. 030. Inspection

The operator or applicant shall provide the telephone number of a contact person who may be reached twenty-four (24) hours a day, seven (7) days a week, for purposes of being notified of any proposed Town inspection under this section or in case of an emergency. Any permitted oil and gas operations and facilities may be inspected by the Town at any time to ensure compliance with the requirements of the approved permit, provided that at least one (1) hours' prior notice is given to the contact person at the telephone number supplied by the operator or applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one (1) hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting the Town's approved conditional use permit, the operator or applicant consents to such inspections. The cost of any Town inspection deemed reasonable and necessary to implement or enforce this Article shall be borne by the operator or applicant.

11. 03. 040. Use Tax

All operators must conform to applicable provisions of this Code and the Municipal Code relating to taxation.

11. 03. 050. Application Fee

A nonrefundable fee of one thousand dollars (\$1000.00) shall accompany the application.

Chapter 11. 04 Application Elements

Sections:

11. 04. 010 Site Plan

11. 04. 020 Vicinity Maps

11. 04. 030 Narrative Requirements

11. 04. 010. Site Plan

An application for a conditional use permit pursuant to this Article shall be filed with the Town Clerk and shall include the following information:

- A. The site plans for a well site submitted with an application for a use by conditional review shall be submitted on one (1) or more plats or maps, at a scale not less than one (1) inch to fifty (50) feet, showing the following information:

1. The proposed location of production site facilities or well site facilities associated with the well in the event

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production is established, if applicable. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering lines within six hundred sixty (660) feet of the well site shall be shown.

2. The location of the layout, including without limitation the position of the drilling equipment and related facilities and structures, if applicable.
3. True north arrow.
4. Existing improvements, if any, within a radius of six hundred sixty (660) feet of the proposed well.
5. Existing utility easements and other rights-of-way of record, if any, within a radius of six hundred sixty (660) feet of the proposed well.
6. Existing irrigation or drainage ditches within four hundred (400) feet of the well site or production site, if any.
7. The applicant's drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.
8. Location of access roads.
9. Well site or production site and existing lease boundaries.
10. The names of abutting subdivisions or the names of owners of abutting, un-platted property within four hundred (400) feet of the well site or production site.
11. The name and address of the operator and the name of the person preparing the site plan or map.

11. 04. 020. Vicinity Maps

The vicinity maps for a well site or production site

submitted with an application for a use permitted by conditional review shall be submitted on one (1) or more plats or maps showing the following information:

- A. Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series or assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a four hundred (400) foot radius of the proposed well.
- B. Location of existing oil and gas wells as reflected in OGCC records. This information shall be submitted on a map and shall include any and all wells within a thousand (1000) foot radius of the proposed location for the well.
- C. Location of drill site. The information to be submitted shall be Commission Form 2 and shall include the Parcel Tax Identification Number.

11. 04. 030. Narrative Requirements

In addition to the site plans and the vicinity maps required in Subsection (1) and (2) above, the application shall include the following:

- A. The operator's and surface owner's names and addresses, copies of any required OGCC Form 2 and designation of agent, if applicable.
- B. An operating plan.
- C. A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than

OGCC.

- D. An emergency response plan that is mutually acceptable to the operator and the appropriate fire district that includes a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
- E. A plan for weed control at the well site.
- F. A fire protection plan that is mutually acceptable to the operator and the appropriate fire district that includes planned actions for possible emergency events and any other pertinent information. Prior to application to the Town, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the fire district.
- G. Sanitary facilities must comply with Section 602(f) of the OGCC regulations.

Chapter 11. 05 Review Criteria

Sections:

11. 05. 010 Permitted Use for Well Site

11. 05. 020 Public Hearing

11. 05. 010. Permitted Use for Well Site

- A. The Board shall approve an application for use permitted by conditional review for a well site if the application submitted by the applicant conforms to the following requirements:
 - 1. The site plans for a well site application complies with the requirements of Section 11.04.010.
 - 2. The vicinity maps for a well site application complies with the requirements of Section 11.04.020.
 - 3. The narrative for a well site application complies with the requirements of Section 11.04.030.
 - 4. When applicable, compliance with the provisions for geologic hazard, floodplains or floodway required in Section 11.10.010.
 - 5. When applicable, compliance with the provisions for wildlife mitigation procedures required in Section 11.13.010.

11. 05. 020. Public Hearing

The Board's decision shall be based upon evidence presented in the application and at a public hearing.

- A. Following the conclusion of the public hearing, the Board may proceed to render its provisional decision orally on the application, or it may take the matter under advisement until an announced date not to exceed twenty-one (21) days, at which time it shall orally render its decision.
- B. In the event that an application is granted with conditions, the applicant may, within fourteen (14) days of the Board's decision, request a rehearing to demonstrate that removal or modification of one (1) or more of the conditions is necessary to prevent waste or protect owners of correlative rights in a common source to a fair share of production profits, or that the decision is otherwise inconsistent with state laws and regulations.
- C. Following the Board's oral announcement of its decision and any subsequent rehearing, a written Resolution shall be adopted as its final action or decision on the application. This written Resolution shall set forth the following findings:
 - 1. The Board's consideration within fourteen (14) days of the oral decision or any subsequent rehearing.

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2. The Resolution shall be adopted within twenty-one (21) days of the announcement of the Board's oral decision, unless the applicant requests rehearing, in which case the written Resolution shall be adopted within thirty (30) days of the oral decision.
- D. For the purposes of judicial review, the Board's final action or decision on an application shall be deemed to have been made as of the date upon which the Board executes the written Resolution, which shall constitute the final decision of the Board.

Chapter 11. 06 Notice to Proceed

Sections:

11. 06. 010 Permitted Use

11. 06. 010. Permitted Use

Prior to commencement of operations for which a use permitted by conditional review has been approved, a "Notice to Proceed" shall be obtained from the Town Clerk. The Town Clerk shall issue the "Notice to Proceed" upon receipt of the following:

- A. A copy of the Resolution approving a use permitted by conditional review for a well or wells.
- B. A copy of the approved site plan.
- C. A copy of an approved extra-legal vehicle or load permit issued by the Town Clerk pursuant to this Code, if applicable.
- D. Copies of any necessary state or federal permits issued for the operation, if not previously submitted.

Chapter 11. 07 Building Permit

Sections:

11. 07. 010 Building Permit

11. 07. 010. Building Permit

Building permits must be obtained for all above ground structures to which the International Building Code applies.

Chapter 11. 08 Development Setbacks from Wells and Facilities

Sections:

11. 08. 010 General Provisions

11. 08. 020 Lots and Roads

11. 08. 030 Streets

11. 08. 040 Abandoned and Reclamation

11. 08. 010. General Provisions

- A. When there is a well existing, buildings shall not be constructed within the following distances.

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1. Buildings not necessary to the operation of the well shall not be constructed within two hundred (200) feet of any such well.
2. Any building to be used as a place of assembly, institution or school shall not be constructed within three hundred fifty (350) feet of any well.

11. 08. 020. Lots and Roads

- A. When wells are existing, lots and roads shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its facilities.
- B. Lots intended to be used as a place of assembly, institution or school shall not be platted to allow a building site within three hundred fifty (350) feet of an existing oil or gas well or its production facilities.

11. 08. 030. Streets

Streets shall not be platted within seventy-five (75) feet of an existing oil or gas well or production facilities; provided, however, that streets may cross collection flow lines at right angles.

11. 08. 040. Abandoned and Reclamation

Lots and streets may be platted over well and production sites that have been abandoned and reclaimed. Such platting shall only occur after the completion of the abandonment and reclamation.

Chapter 11. 09 Compliance with State Environment Requirements

Sections:

11. 09. 010 Regulations and Standards

11. 09. 010. Regulations and Standards

The approval of an oil and gas conditional use permit shall not relieve the operators from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal.

Chapter 11. 10 Geologic Hazard, Floodplain, Floodway Location Restrictions

Sections:

11. 10. 010 Restrictions

11. 10. 010. Restrictions

All equipment at well sites and production sites in geological hazard and floodplain areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act.

Chapter 11. 11 Access Roads

Sections:

11. 11. 010 Tank Battery Access Roads

11. 11. 020 Wellhead Access Roads

11. 11. 030 Public Access Roads

11. 11. 010. Tank Battery Access Roads

All private roads used to maintain access to the tank batteries or the well site shall be improved and maintained according to the following standards.

A. Access roads to tank batteries shall be subject to review by the town engineer in accordance with the following minimum standards:

1. A graded gravel roadway having a prepared sub-grade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for class 3, Aggregate Base Course as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.
2. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the town engineer.
3. Maintained so as to provide a passable roadway free of ruts at all times.

11. 11. 020. Wellhead Access Roads

A. Access roads to wellheads shall be subject to review by the town engineer in accordance with the following minimum standards.

1. A graded, dirt roadway compacted to a minimum density determined in accordance with generally accepted engineering sampling and testing procedures and approved by the town engineer.
2. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the town engineer. Maintained so as to provide a passable roadway generally free of ruts.

11. 11. 030. Public Access Roads

An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in Sections 42-4-401 through 42-4-414 C.R.S., as amended, which use Town streets. Said permit, if required, shall be obtained from the Town Clerk prior to such use. The applicant shall comply with all Town and State regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

Chapter 11. 12 Public Roads Impact

Sections:

11. 12. 010 Permit and Fees

11. 12. 010. Permit and Fees

- A. Every permit issued by the Town shall require the applicant or operator to pay a fee that is sufficient to pay the estimated cost for all impacts which the proposed operation may cause to facilitate owned or operated by the Town or used by the general public, including, but not limited to:
1. Repair and maintenance of roads,
 2. Bridges and other transportation infrastructure;
 3. Improvements made or to be made by the Town to accommodate the operations and to protect public health, safety and welfare;
 4. Costs incurred to process and analyze the application, including the reasonable expenses paid to independent experts or consultants.
- B. The Town may further require that the applicant or operator, or both, post a bond in an amount to be set during the site plan phase, as security in the event additional damages occur to facilities owned or operated by the Town or used by the general public.
- C. As a condition of issuance of the permit and on an as-needed basis, the Town may require that additional site-specific measures be undertaken by the applicant or operator in order to protect and preserve facilities owned or operated by the Town or used by the general public.

Chapter 11. 13 Wildlife Impact Mitigation

Sections:

11. 13. 010 Recommendations

11. 13. 010. Recommendations

- A. Wildlife. When a well site or production site is located within a designated moderate (blue) or high impact zone (red) on the 1987 Cumulative Impact Map prepared by the Colorado Division of Wildlife, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by the Colorado Division of Wildlife after consultation with the Town.
- B. Endangered Species. The applicant shall not engage in activities which, in the opinion of the Colorado Division of Wildlife, threaten endangered species.

Chapter 11. 14 Emergency Response Costs

Sections:

11. 14. 010 Emergency Response Costs

11. 14. 010. Emergency Response Costs

The operator shall reimburse the Town or responsible fire district for any emergency response costs incurred by the Town or the responsible fire district in connection with the activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the Town.

Chapter 11. 15 Violation and Enforcement

Sections:

- 11. 15. 010 Construction and Installation
- 11. 15. 020 Penalty
- 11. 15. 030 Permit
- 11. 15. 040 Judicial Review
- 11. 15. 050 Civil Action
- 11. 15. 060 False or Inaccurate Information
- 11. 15. 070 Application
- 11. 15. 080 Recovery Fees

11. 15. 010. Construction and Installation

- A. It is unlawful to construct or install unapproved oil and gas facilities. Except as otherwise provided in this Article, it is unlawful to construct, install or cause to be constructed or installed any oil and gas facility within the Town
- B. The unlawful drilling or re-drilling of any well or the production there from is a violation of this Article.

11. 15. 020. Penalty

Any person, firm, corporation or legal entity which constructs, installs or uses or causes to be constructed, installed or used, any oil, gas or injection well, well site or production site, or commits any act or omission in violation of any provision of this Article or of the conditions and requirements of the oil and gas conditional use permit, may be punished according to Section 1.12.010. Each day of such unlawful operation constitutes a separate violation.

HISTORY

- Original
- Ord. 540, Section 1, 2023

11. 15. 030. Permit

- A. Suspension of the Permit. If the Town determines at any time that there is a violation of the conditions of the conditional use permit or that there are material changes in an oil and gas operation or facility as approved by the permit, the Town may, for good cause, temporarily suspend the conditional use permit. In such case, upon oral or written notification by the Town, the operator shall cease operations immediately. The Town shall provide the operator with written notice of the violation or identification of the changed condition(s) and the operator shall:
 - 1. Have a maximum of fifteen (15) days to correct the violation.
 - 2. If the violation is not timely corrected, the permit may be further suspended pending a revocation hearing.
 - 3. The operator may request an immediate hearing before the Board or appropriate committee regarding the

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suspension, which shall hold the hearing within ten (10) days of the operator's written request.

B. Revocation of Permit. The Board or appropriate committee may, following notice and hearing, revoke a conditional use permit granted pursuant to this Article if any of the activities conducted by the operator violate the conditions of the permit or this Article, or constitute material changes in the oil and gas operation approved by the Town.

1. The Town shall provide written notice to the operator of the violation or the material changes, and the time and date of the hearing.
2. The Town shall provide written notice to the permit holder setting forth the violation and the time and date for the revocation hearing. No less than thirty (30) days prior to the revocation hearing.
3. Public notice of the revocation hearing shall be published in a newspaper of general circulation not less than thirty (30) days prior to the hearing.
4. Following the hearing, the Town may revoke the permit or may specify a time by which action shall be taken to correct any violations of the permit to avoid revocation.

C. Transfer of Permit. A conditional use permit may be transferred only with the written consent of the Town.

11.15.040. Judicial Review

Any action seeking judicial review of a final decision of the Town shall be initiated within thirty (30) days after the decision was made in the district court that presides over the Town of Ault, Colorado.

11.15.050. Civil Action

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this Article or the conditions and requirements of the oil and gas conditional use permit, the Town Attorney, in addition to the other remedies provided by law, Ordinance or Resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

11.15.060. False or Inaccurate Information

The Board may revoke an oil and gas conditional use permit if it is determined after an administrative hearing held on at least ten (10) days' notice to the applicant that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees knew, or reasonably should have known, was misleading, deceptive or inaccurate.

11.15.070. Application

Unless specifically provided otherwise, this Article shall apply only to wells which are drilled in the Town on and after the date that this Article is adopted. The re-entering of a well in existence prior to the date of adoption of this Article for purposes of deepening, recompleting or reworking shall not require approval of a use permitted by conditional review.

11.15.080. Recovery Fees

Should the Town prevail in any action for legal or equitable relief for a violation of the provisions of this Article, in addition to any other penalties or remedies which may be available, the Town shall be entitled to recover any damages,

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costs of action, expert witness fees and reasonable attorney's fees incurred.

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Title 12 - Streets, Sidewalks and Public Places

Chapters:

12.02 Streets

12.04 Sidewalk, Curb and Gutter Construction

12.08 Trees

12.10 REPEALED

12.12 Street and Park Trees

12.16 Bottles, Glass Containers and Trash in any Park or Recreation Facility Prohibited

Chapter 12.02 Streets

Sections:

12.02.010 Right of Way Maintenance

12.02.020 Parking and Private Use of Public Streets and Sidewalks

12.02.010. Right of Way Maintenance

- A. This shall apply to all arterial and collector streets (hereafter "Covered Roadways") located within the Town which are owned by the Town and to owners, users, and occupants (hereafter referred to as "property owner") of property adjoining the rights of way of such streets;
- B. Any person or business utilizing, crossing, or entering an arterial roadway from private property across any Town of Ault right of way subjects themselves, whether or not Town residents, to all the requirements of this Ordinance. Failure of any such person to abide by this Ordinance, in addition to any other penalties herein provided, shall forfeit all rights to cross or utilize such right of way.
- C. A property owner desiring to utilize the borrow ditch within the right of way of any covered roadway may do so on the following conditions:
 - 1. The flow and path of the borrow ditch may not be altered;
 - 2. The property owner must clean any sediment, silt, and weeds from the ditch before and after use for water transport;
 - 3. The property owner must not allow flow to go over the roadway or to erode the ditch bank supporting the roadway.
- D. If the Town finds that users or owners are violating the above conditions, the Town may revoke any consent previously granted, whether express or implied. The revocation shall be determined after notice and opportunity for hearing before the municipal court.
- E. Any owner or user of a borrow ditch or culvert shall be responsible for the maintenance and repair of the road access and/or any repair of the borrow ditch or culvert.
- F. If the owner or user is notified by the Town of the need to repair damage to the borrow ditch as a result of such owner or user's activities, the owner or user shall have fifteen (15) days to make the repair or the Town shall perform the repair and bill the responsible party.
- G. In the event of an emergency, the owner or user of the ditch shall be notified and must remedy the situation immediately. If the owner or user fails to do so, the Town shall fix the problem and bill the owner or user.
- H. The Town reserves the right to maintain its borrow ditches, culverts and rights-of-way without obstructions

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located thereon. Obstructions shall be removed by the Town. The expense of removal will be paid by the person who installed or is exercising ownership over the obstruction.

- I. Application forms for use or access permits for the rights of way on covered roadways shall be available from the Town Clerk, and a fee for such application shall be applied to defray the cost of the town engineer or road specialists' review of the application;
- J. Any person, whether individual or corporate entity, installing, modifying, moving, or repairing a non-municipal utility line, conduit, pipe, wire, or cable in a utility easement dedicated to the Town shall be required to obtain a permit from the Town prior to beginning work;
 1. For any entity subject to a franchise agreement, there shall be no fee for such permit. For all others, the fee shall be Five Thousand Dollars (\$5000.00) per event. The Fee shall be paid at the time that the permit is requested and shall apply to such work as is described on the permit application for a period not to exceed ninety (90) days.
- K. In order to maintain consistency with surrounding properties, property owners or users with adjoining rights of way shall be responsible for mowing and maintaining the surface of the right of way to the halfway point between the boundary between their property line and the edge of the paved roadway adjoining the right of way are responsible for maintaining the borrow ditches and rights of way to the same standards as required by Weld County. The Weld County standards are hereby incorporated herein by reference, and may be obtained from the Town Clerk. Any failure of a property owner to maintain as required by this section after notice from the Town may be remedied by the Town and charged to the property owner, or charged as a violation of this Code.
- L. If a property owner fails to properly maintain such area, the Town may mow or maintain it and collect the cost together with all costs of collection from the property owner through an action of law or in the manner for collection of municipal property taxes, or may terminate the access rights granted under this Ordinance, or both.

Failure to maintain the property owner side of a right of way on a covered roadway, to clean and repair a culvert after notice, or to fail to follow the requirements in Section 12.02.010, as set forth above, shall be a violation of the Ault Municipal Code, and may be punished according to Section 1.12.010. Each day that such failure or misuse continues may be deemed a separate violation. Such violation shall be in addition to any damages otherwise recoverable at law.

(Ord 469)

HISTORY

- Original
- Ord. 524, 2021
- Ord. 540, Section 1, 2023

12. 02. 020. Parking and Private Use of Public Streets and Sidewalks

- A. Except for activities by the Town of Ault itself and except as explicitly approved by valid actions of the Ault municipal government, only licensed, operational vehicles and attached trailers may be parked on public streets. Such parking shall comply with all posted limitations as to time allowed, handicap restrictions, and size or type of vehicle which may park in any specific area.
- B. No other personal property may be placed or kept in or on any public street or sidewalk, including but not limited to construction materials, branches, trash, yard, waste, dumpers, Connex containers, or aggregates.
- C. Any person violating this provision shall be subject to all penalties set forth for violations of the Ault Municipal

Code. Each day for which a violation continues shall be deemed a separate offense.

Chapter 12. 04 Sidewalk, Curb and Gutter Construction

Sections:

12. 04. 010 Construction by Owners of Abutting Property

12. 04. 020 Supervision and Maintenance

12. 04. 030 Contiguous Sidewalks- -Existing Sidewalks

12. 04. 010. Construction by Owners of Abutting Property

Sidewalks, curbs and gutters may be constructed by the owners of the property abutting the same, and at their own expense, within the Town when streets are laid out, opened and improved and in common use by foot travelers within the corporate limits of the Town, and shall be constructed of the character, location, grade, material and in the manner in this chapter provided.

(Prior Code 16-11)

12. 04. 020. Supervision and Maintenance

It is the duty of the town engineer to approve all material and to supervise the construction of all sidewalks, curbs and gutters within the Town and to see that the same are kept in repair and in case any thereof become unsafe or in need of repair to cause the same to be repaired at the expense of the property owner, as provided in this chapter.

(Prior Code 16-12)

12. 04. 030. Contiguous Sidewalks- -Existing Sidewalks

- A. The town engineer may authorize the construction of curbs, sidewalks and gutters as one contiguous unit, with curb, sidewalk and gutters constructed together, without intervening and in areas where this type of walk construction has already been constructed.
- B. Where sidewalks, curbs and gutters have theretofore been constructed on either side of any block along a frontage thereof equal or in excess of one-quarter (1/4) of the length of any such block.
- C. Contiguous walk construction as authorized in this section shall be a uniform of width of three (3) feet which shall abut the back of the curb.

(Prior Code 16-13)

Chapter 12. 08 Trees

Sections:

12. 08. 010 Inspection

12. 08. 020 REPEALED

12. 08. 030 Dead or Dangerous Trees- -Removal

12. 08. 040 Dutch Elm Disease Control

12.08.050 Dead or Dangerous Trees- -Failure to Comply with Removal Notice

12.08.060 Dead or Dangerous Trees- -Removal by Town

12.08.070 Appeals

12.08.010. Inspection

It is the responsibility of the property owner to periodically inspect trees located on their property to assure they are healthy and without disease or pestilence.

(Ord. 259 1(part), 1982)

HISTORY

- Original
- Ord. 542, Section 1, 2023

12.08.020. REPEALED

REPEALED

HISTORY

- Original
- Ord. 542, Section 1, 2023

12.08.030. Dead or Dangerous Trees- -Removal

- A. It is the duty of the property owner to remove any dead tree or trees or broad wood containing any destructive or communicable disease or other pestilence, or limbs which are dangerous to life or property or hazard to people or property, and to remove the same.
- B. In the event the property owner fails or refuses to comply with the terms of this code, the Town Public Works Supervisor or their designee may hire an arborist to inspect any tree that is in question of possible disease or pestilence. If it is determined the tree contains disease or pestilence, the Administrator may cause notice and the removal of the dead or dangerous trees or limbs, the cost of which shall be borne by the property owner as provided in Section 12.08.060 of this chapter.

(Ord. 259 §1(part), 1982)

HISTORY

- Original
- Ord. 542, Section 1, 2023

12.08.040. Dutch Elm Disease Control

- A. It is unlawful to possess or transport into or within the Town all or any part of trees infected with the Ceratocystis ulmi fungus; provided, however, that the wood, branches and roots of such trees may be transported to a safe place for burial or other recognized treatment with insecticides.
- B. Trees or parts thereof of the genus Ulmus in a dead or dying condition that may serve as a breeding place for the smaller European Elm Bark Beetle, Scolytus Multistratus, and the native bark beetle, Hylurgopinus Rufipes, are declared to be a threat and a hazard to all elm trees in the Town. Transportation into the Town or possession

within the Town of such trees or parts thereof, except for immediate burial or other recognized treatment with insecticides, is unlawful unless the bark has been completely removed. If such trees or parts thereof are found to exist, the owner or agent of the owner of the property shall be given a written notice as provided under Section 12.08.060 of this chapter.

(Ord. 259 §1(part), 1982)

12.08.050. Dead or Dangerous Trees- -Failure to Comply with Removal Notice

It is unlawful for the owner or agent of the owner of the premises, after notice that conditions exist in trees, shrubs and plantings on their property that will be or are injurious to other private or public plants, to fail to comply with the written notice provided in Section 12.08.060 of this chapter.

(Ord. 259 §1(part), 1982)

12.08.060. Dead or Dangerous Trees- -Removal by Town

- A. The Board, having been made aware of any dead or dangerous trees or the existence of any diseased or insect-infected trees, broad wood or other violation of this chapter, shall cause written notice to be issued to the owner or agent of the owner of the premises where such condition or violation exists requiring the treating, pruning, removal of or any other remedial action within a specified period of time.
- B. In the event the owner does not comply with the requirements set forth in the notice, the Board shall cause the removal, destruction or otherwise correct the offending condition and assess the costs thereof against the property owner.
- C. Failure to pay such assessments within thirty (30) days of mailing notice of the costs shall cause the assessment to become a lien upon the property as a special assessment which may be certified to the county treasurer for assessment as provided by statute.

(Ord. 259 §1(part), 1982)

12.08.070. Appeals

- A. Any person aggrieved by any decision of the code enforcement officer regarding the notice of an offending condition on one (1) or more trees or assessment of costs associated therewith, may appeal by filing a written objection with the Town Clerk within ten (10) days of the date of the notice, and shall be scheduled for hearing before the Board at its next regular meeting. Any action contemplated by such notice shall be stayed until the scheduled Board meeting.
- B. The Board, after hearing, shall determine the matter, and is authorized to make modifications of the notice appealed from or compromise the terms of such notice in view of the beneficial purpose of maintaining the well-being of trees and plants within the Town and the economic hardships of complying with this chapter.

(Ord. 259 §1(part), 1982)

Chapter 12. 10 REPEALED

Chapter 12. 12 Street and Park Trees

Sections:

- 12. 12. 010 Definitions
- 12. 12. 020 Street Tree Species to be Planted
- 12. 12. 030 Spacing
- 12. 12. 040 Distance from Curb and Sidewalk
- 12. 12. 050 Distance from Street Corners and Fireplugs
- 12. 12. 060 Utilities
- 12. 12. 070 Public Tree Care
- 12. 12. 080 Tree Topping
- 12. 12. 090 Pruning, Corner Clearance
- 12. 12. 100 Dead or Diseased Tree Removal on Private Property
- 12. 12. 110 Removal of Stumps
- 12. 12. 120 Interference with Town
- 12. 12. 130 Arborist License and Bond
- 12. 12. 140 Violation, Penalty

12. 12. 010. Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

- A. "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all other areas owned by the Town or to which the public has free access as a park.
- B. "Street Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town.

(Ord. 329 §1, 1989)

12. 12. 020. Street Tree Species to be Planted

The following list constitutes the official street tree species for the Town. No species other than those included in this list may be planted as street trees without written permission of the tree Board:

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Small Trees	Medium Trees	Large Trees
<ul style="list-style-type: none"> • Apricot • Crabapple, Flowering (sp) • Golden raintree • Hawthorne (sp) • Pear, Bradford • Redbud • Lilac, Jap. Tree • Plum, Purple Leaf • Serviceberry 	<ul style="list-style-type: none"> • Ash, Green • Hackberry • Honey Locust (thornless) • Linden • Mulberry, Red (fruitless, male) 	<ul style="list-style-type: none"> • Coffee tree, Kentucky • Maple, Silver • Oak, Bur • Sycamore • Cottonwood (cottonless, male)

(Ord. 329 §7, 1989)

12. 12. 030. Spacing

The spacing of street trees will be in accordance with the three (3) species size classes listed in Section 12. 12. 020 of this chapter, and no trees may be planted closer together than following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special plantings designed or approved by a landscape architect.

(Ord. 329 §8, 1989)

12. 12. 040. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three (3) species size classes listed in Section 12. 12. 020 of this chapter, and no trees may be planted closer to any curb or side walk than the following: small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

(Ord. 329 §9, 1989)

12. 12. 050. Distance from Street Corners and Fireplugs

No street tree shall be planted closer than forty (40) feet of any street corner, measured from the point of nearest intersecting curbs and curb lines. No street tree shall be planted closer than ten (10) feet of any fireplug.

(Ord. 329 §10, 1989)

12. 12. 060. Utilities

No street trees other than those species listed as small trees in Section 12. 12. 020 of this chapter may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 329 §2, 1989)

12. 12. 070. Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety and to preserve or enhance the symmetry and beauty of such public ground. The Board may remove or cause or order to be removed any

tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of said trees is in accordance with Sections 12. 12. 020 through 12. 12. 060 of this chapter.

(Ord. 329 §12, 1989)

12. 12. 080. Tree Topping

It shall be unlawful as a normal practice for any person, firm or department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter with the trees crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Board.

(Ord. 329 §13, 1989)

12. 12. 090. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches to that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

(Ord. 329 §14, 1989)

12. 12. 100. Dead or Diseased Tree Removal on Private Property

The Town shall have the right to cause the removal of any dead or diseased trees on private property within the Town, when such trees constitute a hazard of life and property, or harbor insects or disease which constitutes a potential threat to other trees within the Town. The Board will notify in writing the owners of such trees. Removal shall be done by said owners at their expense within sixty (60) days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

(Ord. 329 §15, 1989)

12. 12. 110. Removal of Stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 329 §16, 1989)

12.12.120. Interference with Town

It shall be unlawful for any person to prevent, delay or interfere with the Town, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this title.

(Ord. 329 §17, 1989)

12.12.130. Arborist License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the Town without first applying for and procuring a license. No license shall be required of any public service company or Town employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of one million dollars (\$1,000,000.00) for bodily injury and five hundred thousand dollars (\$500,000.00) property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 329 §18, 1989)

12.12.140. Violation, Penalty

Any person violating any provision of this title shall be, upon conviction or a plea of guilty, subject to a fine not to exceed one thousand dollars (\$1000.00).

(Ord. 329 §20, 1989)

Chapter 12.16 Bottles, Glass Containers and Trash in any Park or Recreation Facility Prohibited

Sections:

12.16.010 Glass Containers Prohibited

12.16.020 Dumping Prohibited

12.16.030 Disposal of Trash Required

12.16.010. Glass Containers Prohibited

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park or recreation facility of the Town.

(Ord. 316 §1, 1988)

12.16.020. Dumping Prohibited

It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in or upon any park or recreation facility of the Town.

(Ord. 316 §2, 1988)

12. 16. 030. Disposal of Trash Required

It shall be unlawful for any person utilizing the facilities of any park or recreation facility of the Town to leave such park or recreation facility without first placing in trash disposal receptacles, where provided, all trash in the nature of boxes, papers, cans or other containers, garbage and other refuse in the possession of such person. If no such trash disposal receptacle is available, then such person shall carry away said refuse or trash in his or her possession from the area, to be disposed of in a proper and legal manner elsewhere.

(Ord. 316 §3, 1988)

Title 13 - Public Services

Chapters:

- 13.04 Water System
- 13.08 Sewer System
- 13.12 Cemeteries
- 13.16 Construction Standards for Public Improvements

Chapter 13.04 Water System

Sections:

- 13.04.010 Title of Provisions
- 13.04.020 Enforcement of Provisions
- 13.04.030 Permit Requirements
- 13.04.040 Permit and Other Fees
- 13.04.045 Activation of Water Taps
- 13.04.050 Water Rates
- 13.04.060 Water Rates- -Determination upon Meter Failure
- 13.04.070 Billing Procedures
- 13.04.080 Water Meters
- 13.04.090 Water Rates- -Responsibility
- 13.04.100 Water Rates- -Delinquency- -Lien
- 13.04.110 Reconnection Charges
- 13.04.120 Water Rates- -No Reproduction for Wells
- 13.04.130 Taps and Service Installation
- 13.04.140 Approval of Construction Plans
- 13.04.150 Inspections- -Right of Entry
- 13.04.160 Wasting of Water
- 13.04.170 Maintenance Responsibilities
- 13.04.180 Fire Hydrants
- 13.04.190 Pollution- -Damage- -Trespassing- -Prohibitions
- 13.04.200 Sprinkling of Lawns
- 13.04.210 Emergency Restrictions
- 13.04.300 Backflow Prevention and Cross Connection Control
- 13.04.310 Applicability
- 13.04.320 Definitions as Used in this Chapter
- 13.04.330 Requirements
- 13.04.340 Inspection, Testing and Repair
- 13.04.350 Reporting and Recordkeeping
- 13.04.360 Right of Entry
- 13.04.370 Compliance
- 13.04.380 Violations and Penalties

13. 04. 390 Conflict with Other Codes

13. 04. 400 Non-Potable Water Regulations

13. 04. 010. Title of Provisions

This chapter shall be made known and may be cited and referred to as the "Water Administration Ordinance."

(Prior Code §18-1)

13. 04. 020. Enforcement of Provisions

- A. It is unlawful for the Town Clerk to issue any permit for any connection with the waterworks in any other manner than by this chapter provided, or for the public works supervisor to permit any tap or connection to be installed or made contrary to this chapter.
- B. It is unlawful for any person not authorized by Ordinance to make any connection with any water pipe or main of the waterworks, or of any authorized person to put in any tap contrary to the provisions of this chapter.
- C. It is unlawful for any water consumer to use water through any tap of service connected with the waterworks contrary to the provisions of this chapter, or to turn on water to his premises, lot, buildings or house when the water has been turned off.
- D. Any person convicted of violating this section, or any provision of this chapter in regard to tapping water mains, laying service pipes and curb stops, or taking and using water through the same shall be punished as provided in Section 1. 12. 010 of this Code.

(Prior Code §18-4)

13. 04. 030. Permit Requirements

- A. It is unlawful for any owner, lessee, or user of water to turn or cause to be turned on water for his premises without having obtained a permit therefore. Such person shall make application in writing to the Town Clerk for such permit, furnishing the necessary information for the determination of the proper water rate, and upon receipt of such information and payment of the required fees, the permit shall be issued by the Town Clerk, except as provided for in Section 13. 04.130F of this chapter.
- B. All permits shall be signed by the Town Clerk and shall set forth the name of the person for whose benefit it shall be granted, the date thereof, the point on the water main at which tapping is to be done, the size of the tap and curb stop, the premises to which water is to be conducted, the use to be made of the water. The Town Clerk shall issue the permit in triplicate; the duplicate copy shall be delivered to an authorized inspector, who shall monitor the connections therein provided, and the triplicate copy shall be delivered to the permittee.

(Prior Code §§18-3, 18-4)

13. 04. 040. Permit and Other Fees

- A. Except where additional fees are expressly provided for, whenever under this chapter, fees are to be paid for a permit or other service or application, the amount of such fees shall be as set forth in the most current Town fee schedule adopted by Resolution of the Board of Trustees.
- B. In addition to the fees set forth in Subsection A of this section, there shall be transferred to the Town or if the

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Town has available water, there shall be paid to the Town the current cost of water as set forth in the following schedule. The "current cost" as used in this section, shall be the cost charged by North Weld County Water District on the day the water tap is purchased (See Tap Size Table Figure)

- C. In addition to the fees and water requirements set forth under Subsections A and B of this section, an applicant shall pay a plant investment fee for each residential unit pursuant to the Town's most recently adopted fee schedule. Non-residential uses or buildings shall be separately negotiated depending on projected water usage. Future changes in the fees expressed in this section may be amended by the Board of Trustees by Resolution.

Tap Size	
3/4-inch tap	1-acre ft. unit CBT
1-inch tap	3-acre ft. unit CBT
1 ½-inch tap	6-acre ft. unit CBT
2-inch tap	Negotiated based on proposed use.
*Anything in excess of a two-inch tap is negotiated.	

(Prior Code, Section 18-5; Ord. 176, Section 2, 1971; Ord. 193, Section 2, 1973; Ord. 195, Section 2, 1973; Ord. 196, Section 2, 1973; Ord. 202, Section 2, 1974; Ord. 207, Section 2, 1975; Ord. 208, Section 2, 1975; Ord. 221, Section 2, 1977; Ord. 361, Sections 1, 2, 1996; Ord. 417, Section 1, 2005)

13.04.045. Activation of Water Taps

- A. Written Documentation of Ownership. Any person providing the Town with written documentation showing proof of ownership of a fully paid and active water tap shall be authorized to direct the billing statements for such tap in accordance with the subject documentation without additional fees being imposed by the Town.
- 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 up to a fifty percent (50%) reduction on the then current water development and water rights fees as determined by the Board of Trustees.
- C. Permit to be Issued. Once ownership has been established pursuant to either Subsection A or B, the Town Clerk shall issue a permit as provided under this chapter.
- D. 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 begin 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 Board is hereby authorized to enter into contracts related to pre-payment of fees when, in their opinion, the intent of this Ordinance is maintained (i.e., transferal 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 this 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 and if not activated at that time, shall then be required to pay the increase in future tap

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fees, as established by the Board at the time they request activation.

E. Deactivation 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 reactivate a tap. During this period of deactivation, however, the owner must pay a minimum monthly charge. The failure of any owner to reactivate a tap for its intended use; or to pay the interim charges; or to reactivate within three (3) years, 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 has previously existed and shall also be required to make an appropriate raw water dedication.

F. Water Service Fees, Billing, and Enforcement

1. Water usage is billed to the property owner or property manager of a service address, at the end of a billing period, for water usage during the billing period. A service account is considered past due when the billing for the current period reflects an unpaid balance from a previous billing period(s).
2. All properties must pay the minimum fee at all times, regardless of the status of use for the premises (e.g. vacant or seasonal property).
3. Holders of interest, as shown on the water works department records, thirty (30) days past due service accounts are considered delinquent. The Town Clerk shall send notice to the user advising that water services will be disconnected in at least five (5) days from the date of notice unless the user contacts the Town Clerk and arrangements are made to pay the delinquency. The date and time water is scheduled to be shut off, amount of penalty assessments, amount of notification fee and actions necessary to avoid penalties and discontinuation of service shall also be included in the notice.
4. The failure of any such person to receive notification of impending shut off shall not affect the validity of any actions taken under this section and shall not relieve any person from obligations imposed on him or her by this section.
5. The Town may discontinue water service for nonpayment, at or after the specified date and time. When payment of a past due balance is not received by 9:00 a.m. on the scheduled shut off date, a shut off fee as set forth in the Town fee schedule, will be added to the past due balance to cover costs to the Town in activating shut-off procedures after the specified shut-off date. Payment by check which is not honored for any reason shall be ineffective to restore or continue service, and shall subject the maker to the dishonored check fees set forth in the Town fee schedule.
6. Whenever it is necessary to shut off water service from inside a user's building or premises, the Town Administrator or public works supervisor may enter such building or premises during regular business hours, but shall present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Town Administrator or his authorized representative shall have recourse to every remedy provided by law to secure entry.
 - a. When the Town Administrator or authorized representative shall have first obtained a warrant or other remedy provided by law to secure entry, no owner, occupant, or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the Town Administrator or his authorized representative.
7. Water service which has been shut off for nonpayment shall be restored only when the total past due balance, consisting of the accumulated monthly minimum charges plus all assessments including interest,

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attorney fees and court costs and any re-connection fee set by the Town in its most current fee schedule have all been paid in full.

8. The Town Clerk may continue water service for up to ten (10) days or grant a payment agreement for a customer who can demonstrate exigent circumstances. The agreement shall be in writing and shall include a written alternative arrangement for payment of past due balances, assessment and fees. If an agreement for payment installments is not acceptable, the Town Clerk may make a recommendation to the Board of Trustees to continue service on such special terms as the Board of Trustees may approve by Resolution. Any recommendation shall be in writing and shall include a written alternative arrangement for payment of past due balances, assessments and fees. The Board of Trustees shall act on such a recommendation at the first regular meeting scheduled after such recommendation has been made.
 - a. In addition to paying monthly installments provided in the agreement, the customer is required to timely pay each current bill, plus late charges when due.
 - b. If any installments are not paid when due or any current bill is not paid when due, the agreement shall become null and void; and the water services will be discontinued without further notice and the entire unpaid balance together with the current charges, assessment and fees will become immediately due and must be paid in full prior to restoration of water service.
 - c. This agreement does not affect any of the Town's right to assert a lien against the property for any unpaid water services.

G. Variances. The Board is authorized, in specific cases in accordance with the procedures provided herein, to grant variances to the strict application of paragraphs D-F 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.

1. Application for Hearing. Any owner affected by a requirement or regulation of paragraphs D-F of this Code may make an application for a variance by filing with the Town Clerk a written petition specifying the grounds for the request. (Ord. 402, Section 1, 2001)
2. Town Board Hearing. Upon request of the written notice requesting a variance, the 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 decision. Expiration of Variance. Unless otherwise stated in the Board minutes, all variances not exercised within six (6) months from the date of final action by the Board shall become null and void.

(Ord. 402, Section 1, 2001; Ord. 398, Section 1, 2001)

13. 04. 050. Water Rates

- A. The water rates for both inside and outside the Town shall be set by Resolution of the Board. Such rates may be changed by Resolution of the Board as it determines from time to time.
- B. Construction sites.
 1. Construction water usage is allowed on a case by case basis as approved by the Public Works Supervisor or Administrator. A deposit as determined based on the requested usage and project will be charged, at the discretion of the Public Works Supervisor or Administrator.

(Prior Code, Section 18-6; Ord. 241, 1980)

HISTORY

- Original
- Ord. 542, Section 1, 2023

13.04.060. Water Rates- -Determination upon Meter Failure

If any meter fails to register in any month, the consumer shall be charged with the estimated consumption based on historical usage.

(Ord. 369 (Prior Code §18-7)

13.04.070. Billing Procedures

All rates for the use of water as provided in this chapter shall be due and payable monthly to the Town Clerk at the Town Hall; and in case any water user fails to pay all charges under this chapter within thirty (30) days after the same becomes due, it shall be deemed delinquent and the Town Clerk shall send notice to the water user advising that water service shall be discontinued in not less than five (5) days from the date of the notice unless the user contacts the Town Clerk and arrangements are made to pay the delinquency. If satisfactory arrangements are not made within the grace period, or if payment is made by check and the check is returned NSF (non-sufficient funds), the Town Clerk shall direct that the water service shall be turned off, and water shall not be turned on again until all rates are paid together with the reconnection charge.

(Prior Code, Section 18-8; Ord. 267, Section I, 1984; Ord. 283, Section I, 1986; Ord. 312, 1987; Ord. 369, Section 1, 1998; Ord. 411, Section 1, 2003; Ord. 433, Section 1, 2006)

13.04.080. Water Meters

- A. It is unlawful for any person to take, receive and use any water from the Town waterworks, hydrants or mains, in any buildings or any lot for any purpose whatsoever except water used and measured through a meter.
- B. All meters shall be of a type, size and design approved by the Public Works Supervisor.
- C. All meters shall be the sole and exclusive property of the Town. Any meters installed upon property serviced by the Town potable water system shall be equipped with remote read capability and located outside the structure in a meter pit with the exception below:
 1. Meters that were installed before 1975 inside premises and buildings, that have not been relocated outside.
- D. Meters that are installed inside premises and buildings must be kept accessible for inspection and or repairs by Public Works Personnel.
- E. All premises and buildings that have a meter installed inside the premises or building will be put on a schedule by the Public Works Supervisor to be relocated outside the building unless the cost of doing so is prohibitive.
- F. Each meter shall be placed under the direction of the Public Works Supervisor and shall be equipped with a curb stop on at least the incoming side of the meter. Upon paying a fee to the Town Clerk as determined by Resolution of the Board, the consumer shall be entitled to have the meter placed in a meter pit located outside the building where the water is to be used. The meter shall be so located as to be easily inspected at any time during business hours by the Public Works Personnel.
- G. Each meter shall be installed by Public Works Personnel or designated contractor, and periodic inspections of

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meter installations shall be made, and defective meters shall be replaced or repaired. The cost of maintenance of all meters shall be paid by the Town.

(Ord. 369, 1998; Ord. 235 §1, 1979; Ord. 234 §1, 1979; Ord. 214 §2, 1979; Ord 369, 1998 Prior Code §18-9)

HISTORY

- Original
- Ord. 542, Section 1, 2023

13. 04. 090. Water Rates- -Responsibility

Owners of any business block or other building occupied by more than one (1) tenant using or taking water from the same service pipe shall be required to pay the water rent for the whole of such block, building or premises before a permit shall be granted for the use of water therein.

(Ord 369, 1998; Prior Code §18-19)

13. 04. 100. Water Rates- -Delinquency- -Lien

All water rates shall be a charge and lien upon the premises to which water is delivered or from which water rent is due from the date the same becomes due until paid, and the owner of every building premises, lot or house shall be liable for all water delivered to or taken and used upon his premises which lien and liability may be enforced by the Town by action at law or suit to enforce such lien. In case the tenant in possession of such premises or building shall pay the water rent or rate, it shall relieve his landlord from such obligations and liens, but the Town shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates provided for in this chapter.

(Ord. 369, 1998; Prior Code §18-20)

13. 04. 110. Reconnection Charges

When water is once turned on to any premises and thereafter turned off for any reason, it shall not be turned on again until the charge of one hundred dollars (\$100.00) has been paid for doing so.

(Prior Code §18-21) (Ord. 369, 1998)

13. 04. 120. Water Rates- -No Reproduction for Wells

There shall be no reduction made from the rates fixed in this chapter by reason of there being a water well or other source of water upon the premises where Town water is used for any purpose on the premises.

(Prior Code §18-10)

13. 04. 130. Taps and Service Installation

- A. The Public Works Supervisor shall arrange for the making of all water taps, the installation of connecting service pipes, curb stop boxes and shall determine the proper sizes of such.
- B. All service lines shall be laid at right angles and below frost line, and shall extend from the water main to within twelve (12) inches of the property line.

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- C. No paving on any street or alley shall be disturbed or broken for the laying of water services without the approval of the Public Works Department.
- D. Before a street is paved, the owner of every lot or part of a lot constituting a separate premise abutting upon the street where a water main is laid shall pay the proper connection charges and the Town Clerk shall arrange for installation of the service pipes prior to paving.
- E. All excavations in streets and alleys for water installations shall be protected with suitable barricades, guards and lights.
- F. The use of compound water taps or more than one service line for each tap is prohibited, and in case any such connection has been made heretofore, such connection shall be allowed to continue; however, each separate service shall contain its own meter. No connection with the water-works or use of water therefrom shall be made through any extension of the service pipes of any other premises. A separate meter shall be required for each separate structure, even though more than one (1) such structure is located on a lot.
- G. Minimum monthly water rates shall be assessed for each apartment, rental unit or mobile home, or other unit having water service whether contained under a single roof or established as a separate structure.
- H. The owner of any house, building, or property used for human occupancy, employment, recreation, or other similar purposes (excluding sheds and similar outbuildings), situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public water line of the Town, is required, at the property owner's expense, to connect to the Town's public water works system in accordance with the provisions of this chapter within ninety (90) days after the date of official notice to do so provided that such public water line is within four hundred (400) feet of the owner's property line. Well water may, however, continue to be used for irrigation purposes.
- I. Repealed

(Ord. 445, 2009)

13.04.140. Approval of Construction Plans

For the purpose of establishing uniformity in construction of mains, it is the duty of the Board to approve all plans.

(Prior Code §18-22)

13.04.150. Inspections- -Right of Entry

Public Works Personnel, under direction of the Public Works Supervisor, and in the interest of public health, safety and welfare, may enter in and upon all premises and buildings using water at least once in each year, and more often if need be, to inspect all water pipes, water metering devices, backflow prevention devices, water using fixtures and appliances therein. , in order to ascertain the nature, character and extent of such water fixtures and plumbing and the use to which the water is being put, and whether the water pipes, water metering devices, backflow prevention devices, water using fixtures and appliances therein are in good working condition. If entry is denied, the Public Works Supervisor may disconnect the water service until the inspection can be completed.

(Prior Code §18-13)

HISTORY

- Original
- Ord. 542, Section 1, 2023

13. 04. 160. Wasting of Water

It is unlawful for any person connected to the potable water system, to suffer or allow water to run to waste upon his premises, buildings, houses or lots, in and through, or out of any water closet, lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.

(Prior Code §18-14)

HISTORY

- Original
- Ord. 542, Section 1, 2023

13. 04. 170. Maintenance Responsibilities

- A. The owner of any premises connected to the potable water system will keep the curb stop access cap and water meter pit lid visible, accessible and in good condition so that the Public Works Supervisor is able to turn off water to their service pipe at any time. The curb stop and meter pit will be maintained by the Public Works Department.
- B. From such curb stop or meter pit, in and upon his premises the owner shall provide their own pipe and plumbing, which shall be constructed and placed to comply with all Ordinances upon plumbing, and shall, at their expense, always, keep all pipes, fixtures and appliances on their premises tight and in good working order and to prevent waste of water. In any case any pipe or fixture breaks or becomes imperfect, or to waste water, he shall forthwith repair the same and keep the same in repair.
- C. It is unlawful for any owner or user of water to fail to comply with the provisions of this section, and, until his pipes and fixtures are placed in good repair, the supervisor of public works shall, on inspection, ascertain that any plumbing or fixtures of any premises are so defective as to waste any water, he shall notify the owner or user of water to repair the same immediately, and, if not repaired within twenty-four (24) hours, he shall turn off the water from such premises and the same shall remain turned off until such plumbing and fixtures are repaired.

(Prior Code §18-15)

HISTORY

- Original
- Ord. 542, Section 1, 2023

13. 04. 180. Fire Hydrants

- A. All fire hydrants shall be under the control of and shall be kept in repair by the supervisor of public works. In case of fire, the member of the fire department and such other persons as the supervisor of public works authorizes, shall have free access to such fire hydrants. No other person shall open or operate any fire hydrant without permission of the supervisor of public works or draw therefrom or obstruct the approach thereto.
- B. The supervisor of public works shall with the appropriate official of the fire department make periodic tests of all fire hydrants and keep such records of testing and flushing's as are required by the National Board of Fire Underwriters.

(Prior Code §18-16)

13. 04. 190. Pollution- -Damage- -Trespassing- -Prohibitions

- A. It is unlawful for any person to take, receive and use any water from the Town waterworks, hydrants or mains, in any buildings or any lot for any purpose whatsoever except water used and measured through a meter. If any person required to use a meter fails to install such a meter as provided in this chapter before the water is used, they can be cited for water theft as defined in Chapter 9.24 of the Ault Municipal Code as amended, or Title 18 of the Colorado Revised Statutes as amended.
- B. It is unlawful for any person to injure or in any way damage property or appliances consisting of or being a part of the waterworks, or any fence, guard rails, boxes, covers or buildings constructed and used to protect the waterworks or any part thereof.
- C. It is unlawful for any unauthorized person to trespass upon the waterworks or the grounds upon which the same is constructed or in any manner to interfere with the water-works or any part thereof, or to meddle or interfere with any pipe, valve or appliance used to regulate the flow of water in the waterworks or any part thereof, or to change or alter the position of any valve or appliance regulating the flow of water in such pipe, line waterworks.
- D. It is unlawful for any person to cast, place, dump or deposit in the waterworks any substance or material which will contaminate or pollute the water in the waterworks, or in any pipe, reservoir, filter, sedimentation basin, or any appliance forming a part of the waterworks, or in any manner to obstruct the waterworks or pollute the water therein.

(Prior Code §18-17)

HISTORY

- Original
- Ord. 542, Section 1, 2023

13. 04. 200. Sprinkling of Lawns

- A. The use of water for sprinkling lawns of churches, public school grounds, Town buildings, and public parks shall be permitted as determined by Resolution of the Board.
- B. The use of water for sprinkling private lawns, gardens and trees will be permitted on residence property as determined by Resolution of the Board. The use of water at any other hours other than as specified by Resolution by the Board for sprinkling is prohibited.
- C. The Mayor may, by proclamation, limit the hours of sprinkling or may entirely prohibit the use of water for sprinkling purposes in case of failure of the water system or shortage of water supply. In case the Mayor issues a proclamation restricting or prohibiting the use of water for sprinkling, it is unlawful to use water for sprinkling purposes contrary to such proclamation.

(Prior Code §18-18)

13. 04. 210. Emergency Restrictions

The Town Clerk may, when he deems it necessary because of repairs of any portion of transmission or distribution system, restrict the use of water for sprinkling until the water system has been repaired.

(Prior Code §18-12)

13. 04. 300. Backflow Prevention and Cross Connection Control

13. 04. 310. Applicability

This Ordinance applies to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the Town who are, by contract or agreement with the public water system, users of the public water system. This Ordinance does not apply to single-family-residential service connections unless the public water system becomes aware of a cross connection at the single-family connection.

13. 04. 320. Definitions as Used in this Chapter

- A. "Active Date" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.
- B. "Air Gap" is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2."
- C. "Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.
- D. "Backflow Contamination Event" means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.
- E. "Backflow Prevention Assembly" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
- F. "Backflow Prevention Method" means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.
- G. "Certified Cross-Connection Control Technician" means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.
- H. "Containment" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.
- I. "Containment by Isolation" means the installation of a backflow prevention assembly or backflow prevention method at all cross connections identified within a customer's water system such that backflow from a cross connection into the public water system is prevented.
- J. "Controlled" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
- K. "Cross Connection" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water

system through backflow.

- L. "Multi-family" means a single residential connection to the public water system's distribution system from which two (2) or more separate dwelling units are supplied water.
- M. "Single-family" means:
 - 1. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - 2. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.
- N. "Uncontrolled" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
- O. "Water Supply System" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

13.04.330. Requirements

- A. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within one hundred twenty (120) days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within one hundred twenty (120) days the public water system must take action to control or remove the cross connection, suspended service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
- B. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
 - 1. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.
- C. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
- D. Reduced pressure principle backflow preventers shall not be installed in any situation subject to possible flooding.
- E. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- F. All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The assemblies and methods must be reinstalled and then tested by a Certified Cross-Connection Control Technician upon reinstallation.
- G. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- H. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician.

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- I. The public water system shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.
- J. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
- K. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.
- L. For new buildings, all building plans must be submitted to the public water system and approved prior to the issuance of water service. Building plans must show:
 - 1. Water service type, size and location
 - 2. Meter size and location
 - 3. Backflow prevention assembly size, type and location
 - 4. Fire sprinkler system(s) service line, size and type of backflow prevention assembly. Al
 - a. I fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - b. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - c. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - d. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system can chose to not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

13. 04. 340. Inspection, Testing and Repair

- A. Backflow prevention assemblies or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.
 - 1. Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a Certified Cross-Connection Control Technician. The inspections shall be made at the expense of the customer.
- B. As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
- C. Testing gauges shall be tested and calibrated for accuracy at least once annually.

13. 04. 350. Reporting and Recordkeeping

- A. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- B. Copies of records of test reports, repairs and retests shall be submitted to the public water system by mail, facsimile or e-mail by the testing company or testing technician.
- C. Information on test reports shall include, but may not be limited to,

1. Assembly or method type
2. Assembly or method location
3. Assembly make, model and serial number
4. Assembly size
5. Test date; and
6. Test results including all results that would justify a pass or fail outcome
7. Certified Cross-Connection Control Technician Certification Agency
8. Technician's certification number
9. Technician's certification expiration date
10. Test kit manufacturer, model and serial number
11. Test kit calibration date

13. 04. 360. Right of Entry

A properly credentialed representative of the public water system shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this Ordinance. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the public water system's distribution system.

13. 04. 370. Compliance

- A. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the public water system shall complete one of the following actions within one hundred twenty (120) days of its discovery:
1. Control the cross-connections
 2. Remove the cross-connections
 3. Suspend service to the cross-connections
- B. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public waters system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply.
1. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

13. 04. 380. Violations and Penalties

Any violation of the provisions of this Ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations.

13. 04. 390. Conflict with Other Codes

If a dispute or conflict arises between the Uniform Plumbing Code as adopted by the Town of Ault, the Colorado Plumbing

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Code, and any plumbing, mechanical, building, electrical, fire or other Code adopted by the state, then the most stringent provisions of each respective Code shall prevail.

13.04.400. Non-Potable Water Regulations

1. The use of non-potable water for sprinkling of lawns, gardens, and trees is required where available within the Town of Ault. The resident's potable water system shall not be used for outdoor lawns, trees, shrubs, or gardens. Users who violate these restrictions will be subject to \$1000.00 fine in Municipal Court.
2. Residents may water on scheduled days (as specified below) except between the hours of 10:00 am and 6:00 pm.
 - A. Addresses with even house numbers may water on even numbered days.
 - B. Odd house numbers may water on odd numbered days.
3. Exceptions to the days of watering may be made upon application to the Town Clerk's Office for new lawns, trees, and shrubs to permit watering every day for up to 30 days after installation. A special permit shall be issued on yellow-colored paper and be posted on the premises to be visible from the street; Unless authorized in writing by the Town Clerk's Office any use of the Town non-potable water system outside of the days corresponding to a user's address as set forth above is declared to be an unlawful use of water.
4. All residents of any dwelling served by the Town non-potable water system are responsible for its use, and may be cited for violation of this section whether present at the time of the violation or not; Upon conviction, any violator of this section shall pay a fine of not less than one hundred dollars (\$100.00) for the first conviction and not less than two hundred fifty dollars (\$250.00) for all subsequent convictions, up to \$1000.00 for violations of this Code;
5. All sections of the Ault Municipal Code inconsistent with the foregoing are hereby repealed.

HISTORY

- Ord. 506, 2020
- Ord. 540, Section 1, 2023
- Ord. 540, Section 1, 2023

Chapter 13.08 Sewer System

Sections:

- 13.08.010 Definitions
- 13.08.020 Protection from Damage
- 13.08.030 Inspectors- -Authority
- 13.08.040 Violation- -Penalty
- 13.08.050 Use of Public Sewers Required
- 13.08.060 Private Sewage Disposal
- 13.08.070 Connection- -Permit Required
- 13.08.080 Discharge Restrictions
- 13.08.090 Rates and Charges

13.08.010. Definitions

As used in this chapter:

- A. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation

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or organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20), expressed in milligrams per liter.

- B. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- C. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.
- D. "Combined Sewer" means a sewer receiving both surface runoff and sewage.
- E. "Garbage" means solid wastes from domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- F. "Industrial Waste" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- G. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- H. "Person" means any individual, firm, company, association, society, corporation, or group.
- I. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration, indicating the intensity scale of acidity and alkalinity expressed in terms of a pH scale running from 0.0 to 14.0, with a pH value of 7.0, the midpoint of the scale, representing exact neutrality and with values above 7.0 indicating alkalinity and those below 7.0, acidity.
- J. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- K. "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- L. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- M. "Sewage" means a combination of water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- N. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
- O. "Sewage Works" means all facilities for collecting, pumping, treating, and disposing of sewage.
- P. "Sewer" means a pipe or conduit for carrying sewage.
- Q. "Shall" is mandatory; "may" is permissive.
- R. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constitution or in quality of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four(24) hour concentration or flows during normal operation.
- S. "Storm Drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- T. "Supervisor" means the public works supervisor or his authorized employees, agent, or representative, or such other person as is appointed by the Board of Trustees.
- U. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- V. "Town" means the Town of Ault, Colorado.
- W. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 272 (part), 1985)

13.08.020. Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall be subject to immediate arrest under the charge of disorderly conduct.

(Ord. 272 (part), 1985)

13.08.030. Inspectors- -Authority

- A. The supervisor and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The supervisor or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection 1 of this section, the supervisor or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by the Town employees and against liability claims and demands for personal injury or property damages asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company and to maintain safe conditions as required in Section 13.08.080G of this chapter.
- C. The supervisor and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds duly negotiated easement for the purposes of, but not limited to, inspection, observations, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 272 (part), 1985)

13.08.040. Violation- -Penalty

- A. Any person found to be violating any provision of this chapter except Section 13.08.020; shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who continues any violation beyond the time limit provided for in Subsection A of this section is guilty of a misdemeanor, and no conviction thereof shall be fined in the amount not exceeding three hundred dollars (\$300.00) for each violation. Each day in which any such violation continues is deemed a separate offense.
- C. Any person violating any of the provisions of this chapter is liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

(Ord. 272 (part), 1985)

13.08.050. Use of Public Sewers Required

- A. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner or public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.
- B. It is unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as provided in this chapter, it is unlawful to construct or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that said public sewer is within four hundred (400) feet of the property line and provided public water service (treated water) can also be provided.

(Ord. 446, 2009)

13.08.060. Private Sewage Disposal

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 13.08.050 D of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Town Clerk, after first being approved by the Board of Trustees. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Board of Trustees. A permit and inspection fee may be required at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Trustees. The Town Administrator or his appointed agent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town Administrator or his appointed agent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (22) hours of the receipt of notice by the Town Administrator or his appointed agent.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Colorado Department of Public Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than required by the Colorado Department of Public Health and Environment and the Weld County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as

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provided in Section 13.08.050 D of this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with clean bank-run gravel or dirt.

- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State or County Department of Health.

HISTORY

- Original
- Ord. 500, 2017

13.08.070. Connection- -Permit Required

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Clerk.
- B. There are two (2) classes of building sewer permits, in either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town Clerk. A permit fee of five thousand five hundred dollars (\$5,500.00) for a residential sewer permit and a fee as determined by Resolution for a commercial or industrial building sewer permit, which shall be paid to the Town at the time the application is filed:
 - 1. For residential and commercial service; and
 - 2. For service to establishments producing industrial wastes.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or drive-way, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the supervisor, to meet all requirements of this chapter.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. All such connections shall be made gas tight

and water tight. Any deviation from the prescribed procedures and materials must be approved by the supervisor before installation.

- J. The applicant for the building sewer permit shall notify the supervisor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the supervisor or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

(Ord. 272 (part), 1985)

13.08.080. Discharge Restrictions

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the supervisor. Industrial cooling water or unpolluted process waters may be discharged on approval of the supervisor to a storm sewer, combined sewer, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
 - 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases insufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer;
 - 3. Any waters or wastes having pH lower than 6.0 or greater than 9.5, or having any other chemical property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
 - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, under-ground garbage, whole blood, paunch manure, hair and fleshing's, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following description described substances, materials, waters, or wastes if it appears likely in the opinion of the supervisor that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the supervisor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150) (sixty-five degrees centigrade, 65);
 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32) and one-hundred fifty degrees Fahrenheit (150) (zero degrees centigrade and sixty-five degrees centigrade);
 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the supervisor;
 4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the supervisor for such materials;
 6. Any wastes that contain a corrosive, noxious, or malodorous material or substances which (either singly or by reaction with other wastes) is capable of causing damage to the system or to any part thereof, or of creating a public nuisance or hazard, or of preventing entry into the sewers for maintenance and repair;
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by county, state or federal regulations;
 8. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),
 - b. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, (biochemical oxygen demand), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this chapter;
 9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D of this section, and which in the judgment of the supervisor, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the supervisor may:
1. Reject the wastes;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection J of this section.
 5. If the supervisor permits the pretreatment or equalization of waste flows, the design and installation of the

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plants and equipment shall be subject to the review and approval of the supervisor, and subject to the requirements of all applicable Codes, Ordinances, and laws.

- F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the supervisor, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the supervisor, and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the supervisor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the supervisor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

(Ord. 272 (part), 1985)

13.08.090. Rates and Charges

- A. The rates and charges and the manner of payment of such rates and charges for the use of the sanitary sewers and sewage system of the Town, for property located both within and without the corporate limits of the Town shall be as adopted by Resolution of the Board of Trustees. Said rates may be amended from time to time as the Board of Trustees determines necessary.
- B. Each industry creating a special or unusual treating or handling problem, in the opinion of the Board of Trustees, will be charged in accordance with the costs of handling and treating the actual waste load at such rates and charges to be established through contract with the individual industry and/or by Resolution of the Board of Trustees.
- C. For property other than residence property situated outside the limits of the Town, the user shall make application

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to the Board of Trustees for such use and a rate shall be established by Resolution of the Board of Trustees.

- D. Sewer rates and charges shall be due and payable monthly and shall be collected at the time and in the manner which water rates are due and collected.
- E. All rates and charges for the use of the sewer system of the Town shall constitute a lien upon the land, buildings and premises served and in the event said charges shall not be paid when due, the Board of Trustees by Resolution may order the Town Clerk to certify the delinquent charge or charges to the County Treasurer and shall be collected and paid over to the Town in the same manner as other taxes and all laws of the state for the collection of general taxes shall apply, including the laws for sale of property for taxes and redemption of same. The Town is, in addition to other remedies, authorized to discontinue supplying water to the property for any delinquent sewer charges exceeding sixty (60) days.
- F. All revenue derived from the rates and charges imposed by this chapter shall be deposited in a special sewer fund in accordance with the laws of the state and paid out only in accordance with said laws.

(Ord. 272 (part), 1985)

Chapter 13. 12 Cemeteries

Sections:

- 13. 12. 010 Establishment of Cemetery
- 13. 12. 020 Records
- 13. 12. 030 Issuance of Interment Agreement
- 13. 12. 040 Lot-Sales
- 13. 12. 050 Disinterment-Interment-Administration and Enforcement
- 13. 12. 060 Disinterment-Permission and Procedures
- 13. 12. 070 Interment-Notice Required
- 13. 12. 080 Repealed
- 13. 12. 090 Maintenance Responsibilities
- 13. 12. 100 Repealed
- 13. 12. 110 Destruction of Property Prohibited
- 13. 12. 120 Decorations Prohibited
- 13. 12. 130 Authority to Remove Articles
- 13. 12. 140 Monument Regulations
- 13. 12. 150 Rules and Regulations
- 13. 12. 160 Violation--Penalty

13. 12. 010. Establishment of Cemetery

The Town has created or established a cemetery, known as the Ault Cemetery. The public works supervisor shall have control of the operation of the cemetery through the establishment of rules and regulations, which shall cover, among other matters, the sale and care of lots within the guidelines established by the rules and regulations. The public works supervisor shall have the final responsibility for management of the cemetery.

13. 12. 020. Records

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It is the duty of the Town Clerk to keep an accurate record of all interment agreements of the lots in the Ault Cemetery showing the name of the purchaser, with the number of the lot or lots contracted for in a book provided by the Town for that purpose. When any person shall select a lot or lots the Town Clerk shall give such person a receipt showing the designation of such lot or lots and collect the payment for interment agreement the lot or lots.

(Prior Code §7-1)

13.12.030. Issuance of Interment Agreement

It is the duty of the Town Clerk to issue an Interment Agreement upon payment of all fees therefore by the purchaser and upon compliance with the other provisions of this chapter.

(Prior Code §7-15; Ord. 257 §, 1982)

13.12.040. Lot-Sales

- A. In Sections one (1) through five (5) of the Ault Cemetery, the price for each cemetery lot- is six hundred dollars (\$600.00) to any Ault resident. In Section 6 of the Ault Cemetery, the price for each lot is seven hundred and fifty dollars (\$750.00). There shall be an opening and closing fee of five hundred dollars (\$500.00) with an additional two-hundred-dollar (\$200.00) fee if such opening and closing is to occur on a weekend or a holiday. The charge for an opening and closing for a burial of cremains shall be two hundred dollars (\$200.00).
- B. For purposes of this chapter, "resident" shall be defined as any person (or a relative of the person) who has ever lived within the Town of Ault.
- C. Payment plans for reserving a cemetery lot or lots will not be provided. Lots must be paid in full at the time a request has been made to reserve a lot. The Board of Trustees, however, may make an exception, but only in the event of a hardship.
- D. The Board of Trustees may from time to time amend the above fees by Resolution.

(Prior Code §7-2; Ord. 274 §1, 1985; Ord. 362 §1, 1996)

13.12.050. Disinterment-Interment-Administration and Enforcement

No interment shall be made in this cemetery until the proper death certificate and all permits required by law and all the information necessary to complete the records of this cemetery shall have been furnished to the Town Clerk. All deceased persons for burial shall be contained within a coffin, which shall then be contained for burial within a completely enclosed concrete, steel, or fiberglass vault. Urns must be in a vault or non-deteriorating container. Interments are subject to the Cemetery Rules and Regulations as passed by the Board of Trustees.

(Prior Code, Section 7-3; Ord. 387, Section 1, 2000) (Prior Code §7-3)

13.12.060. Disinterment-Permission and Procedures

Disinterment shall be subject to the Cemetery Rules and Regulations as approved by the Board of Trustees.

Disinterment's are subject to the orders and laws of the properly constituted authorities of the Town of Ault, County of Weld, State of Colorado and the Federal Government. A notice of at least ten (10) days is required; the length of time is subject to completion of required permissions.

13.12.070. Interment-Notice Required

The opening and closing of graves for an interment in the cemetery shall be done by public works. A notice of not less than forty-eight (48) hours must be given to the Town Clerk to insure proper preparation of the grave.

(Prior Code §7-14)

13.12.080. Repealed

13.12.090. Maintenance Responsibilities

All improvements or alterations of individual lots in the cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the public works supervisor, and if made without his written consent, or, at any time, in his judgment, they become unsightly to the eye, he shall have the right to remove, alter or change such improvements or alteration without consent of the lot holder.

13.12.100. Repealed

It shall be unlawful for any unauthorized person to destroy, mutilate, cut, remove, break or injure any trees, shrubs, plants or other ornaments in the Ault Cemetery. It shall be unlawful to destroy, cut, mutilate, remove, break, injure or deface any walks, sidewalks, fences, gateposts or other things used in or belonging to said cemetery.

13.12.110. Destruction of Property Prohibited

Planting of trees, shrubs, plants, flowers, grass and any other type of item is prohibited. Fences, railings, curbs, hedges and other bordering of lots are not allowed. Refer to Cemetery Rules and Regulations.

(Prior Code, Section 7-7)

13.12.120. Decorations Prohibited

The public works supervisor shall have the right to remove any articles which interfere with the watering, mowing, and maintenance of the Ault Cemetery. Refer to the Cemetery Rules and Regulations.

(Prior Code §7-11)

13.12.130. Authority to Remove Articles

The public works supervisor reserves the right to prohibit the erection of any marker or monumental work that may be considered by the Board of Trustees to be inappropriate whether in material, design, workmanship or location or which might interfere with the general effect or obstruct any principal view. The Board of Trustees reserves the right to require the removal of any structure which the Board of Trustees deems to be offensive, improper or injurious to the appearance of the surrounding lots or grounds. Public works shall have the right to enter upon such lot and remove the offensive or improper object, and they may do so without notice to the owner.

(Prior Code §7-12)

13.12.140. Monument Regulations

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The public works supervisor reserves the right to prohibit the erection of any marker or monumental work that may be considered by the Board of Trustees to be inappropriate whether in material, design, workmanship or location or which might interfere with the general effect or obstruct any principal view. The Board of Trustees reserves the right to require the removal of any structure which the Board of Trustees deems to be offensive, improper or injurious to the appearance of the surrounding lots or grounds. Public works shall have the right to enter upon such lot and remove the offensive or improper object, and they may do so without notice to the owner.

(Prior Code §7-12)

13. 12. 150. Rules and Regulations

The Town may, and it hereby expressly reserves the right, at any time or times, to adopt new rules or regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these rules and regulations. Such new or amended rules and regulations shall be binding on the owners of all lots or burial spaces regardless of date such owner acquired rights.

13. 12. 160. Violation--Penalty

It is unlawful for any person to intentionally ride or drive upon, over or across the land or lots of the Ault Cemetery, or any part thereof, except in the platted driveways. It is unlawful to intentionally deface, injure or destroy any monument, tomb; grave or grave stone or any other object set to mark any grave; or break, injure or destroy any gate, fence, grass plot, shrub, tree or monument of any kind within the cemetery, or intentionally violate any of the provisions of this chapter.

(Prior Code, Section 7-5)

Chapter 13. 16 Construction Standards for Public Improvements

Sections:

13. 16. 010 Construction Standards

13. 16. 010. Construction Standards

The Town of Ault Standards as determined by the town engineer and on file with the office of the Town Clerk.

Title 14 - Reserved

Chapters:

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Title 15 - Buildings and Construction

Chapters:

- 15.04 Building Codes
- 15.06 Fence Construction Permits
- 15.08 Mobile Homes and Mobile Home Parks
- 15.10 Floodplain Management

Chapter 15.04 Building Codes

Sections:

- 15.04.010 Administrative Code Adopted by Reference
- 15.04.015 Fire Code Adopted by Reference
- 15.04.020 International Building Code
- 15.04.030 Mechanical Code Adopted by Reference
- 15.04.040 National Electrical Code Adopted by Reference
- 15.04.050 Residential Code Adopted by Reference
- 15.04.060 Plumbing Code Adopted by Reference
- 15.04.070 Property Maintenance Code Adopted by Reference
- 15.04.080 Existing Building Code Adopted by Reference
- 15.04.085 International Energy Conservation Code
- 15.04.090 Abatement of Dangerous Buildings Adopted by Reference
- 15.04.100 Fuel Gas Code 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 Ault, by reference thereto, the Uniform Administrative Code, 1997 edition, published by the International Conference of Building Officials, 5630 South Workman Mill Road, Whittier, California, 90610.

- A. Title for Citation. The Ordinance codified in this section may be known and cited as the "Uniform Administrative Code of the Town of Ault, Colorado."
- 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.
- 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.
- 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.
- E. Applicability. This section shall apply to every building or structure as defined in said Ordinance which is now in

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existence or which may hereafter be erected, constructed, altered, moved, demolished, or repaired.

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 Board of Trustees by Resolution.

G. Amendments to Fee Schedules. The Board of Trustees may amend the tables and schedules providing for fees by the adoption of a Resolution.

15. 04. 015. Fire Code Adopted by Reference

The International Fire Code (IFC), 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is hereby adopted by reference as the Fire Code of the Ault Fire Protection District as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

IFC Chapter 1 - Administration

IFC Section 101.1 is hereby amended to read as follows:

IFC 101.1 Title. These regulations shall be known as the Fire Code of Ault Fire Protection District, hereinafter referred to as "this code." The fire code official is authorized to modify any section as to best fit the safety.

IFC Section 105.6.16 Flammable and combustible liquids. The following portions of this subsection are hereby amended as follows:

2. To store, handle or use Class I liquids in excess of 10 gallons in a building or in excess of 50 gallons outside of a building, except that a permit is not required for the following:

3. To store, handle or use Class II or Class IIIA liquids in excess of 50 gallons in a building or in excess of 249 gallons outside a building, except for fuel oil used in connection with oil-burning equipment.

IFC Section 105.6.30 Mobile food preparation vehicles. This subsection is hereby amended to read as follows:

IFC 105.6.30 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors. Businesses shall be required to comply with Annex B of NFPA 96 (2017): Standard of Ventilation Control and Fire Protection of Commercial Cooking Operations, as well as specific policies approved by the fire code official.

IFC Section 105.6.36 Outdoor assembly event is hereby amended to read as follows:

IFC 105.6.36 Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 1000 persons, or where the event includes *high-risk activities* as defined in Chapter 2 of this code.

IFC Section 105.6.47 Temporary membrane structures and tents is hereby amended to read as follows:

IFC 105.6.43 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 700 square feet.

IFC Section 105.6.51 Marijuana and/or hemp establishments or businesses is hereby created to read as follows:

IFC 105.6.51 Marijuana and/or hemp establishments or businesses. Businesses or establishments that sell, grow, or process marijuana or hemp, or businesses or establishments that perform extractions of marijuana or hemp, shall be required to comply with Chapter 38 of NFPA 1: Fire Code (2018 edition), as well as specific policies approved by the fire code official and the local government with jurisdiction, to include obtaining the required permit(s) for the operations of said business or establishment.

IFC Section 106.2 is hereby amended to read as follows:

IFC 106.2 Schedule of permit fees. Fees for any permits, inspections, and/or services authorized by this code shall be assessed in accordance with the fee schedule established by the Ault Fire Protection District Board of Directors.

IFC Section 109.1 is hereby amended to read as follows:

IFC 109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall consist of The Fire Board President or designee, the Mayor of Ault or designee, The Mayor of Pierce or designee within jurisdiction. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. There shall be a fee of \$50 to file an appeal with the board of appeals.

IFC Section 110.4 Violation penalties is hereby amended to read as follows:

IFC 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties, costs and orders as provided by \$100. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

IFC Section 112.4 is hereby amended to read as follows:

IFC 112.4 Failure to comply. Any person who shall continue to work after having been issued a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of \$500.

IFC Section 114 is hereby created and reads as follows:

IFC Section 114 Reporting of Emergencies and False Alarms.

IFC 114.1 General. Reporting of fires and hazardous materials releases shall be in accordance with Section 114.

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IFC 114.2 Reporting emergencies. In the event a fire occurs or the discovery of a fire, smoke or unauthorized release of flammable, combustible or hazardous materials on any property occurs, the owner, owner's authorized representative or occupant shall without delay report such condition to the fire department.

IFC 114.3 False alarms. False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

IFC Chapter 2 - Definitions

IFC Section 202 General Definitions is hereby amended by the following additions:

BOARD. Where the term "Board" is used, it shall be held to mean the Board of Directors of the fire protection district with jurisdiction.

DISTRICT. Wherever the word "District" is used, it shall be held to mean the fire protection district with jurisdiction.

HIGH-RISK ACTIVITIES. Special events shall be deemed to be "high-risk activities" if they include the following proposed activities: display of fireworks, high-speed operation of motor vehicles, mobile food vendors, parades, races, temporary road closures, inflatable attractions, or public alcohol sales and/or consumption.

JURISDICTION. Wherever the word "Jurisdiction" is used it shall be held to mean to the inclusive boundaries of the fire protection district.

RURAL FIRE FLOW AREA. The geographic area as determined by the fire code official that traditionally has had limited fire flow.

URBAN FIRE FLOW AREA. The geographic area as determined by the fire code official that traditionally has had adequate fire flow.

IFC Chapter 3 - General Requirements

IFC Section 307.1.1 is hereby amended to read as follows:

IFC 307.1.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous. Open burning shall be specifically prohibited during active Red Flag Warnings.

Exceptions:

1. Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code

official.

2. Agricultural burning that is approved by *the fire code official* and is conducted in accordance with Colorado Air Quality Control Commission Regulation Number 9 (5 CCR 1001-11).
3. Open Burn Permits approved by the town shall be authorized by the fire code official.

IFC Section 307.2 is hereby amended to read as follows:

IFC 307.2 Permit required. A permit shall be obtained from the County health department of jurisdiction in accordance with Section 105.6.32 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, or prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land, or the owner's designated agent, on which the fire is to be kindled.

IFC Section 308.1.6.3 is hereby amended to read as follows:

IFC 308.1.6.3 Sky lanterns. The use, lighting, tethering or release of sky lanterns is prohibited.

IFC Section 311.5 is hereby amended to read as follows:

IFC 311.5 Placards. The fire code official is authorized to require any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards to be marked as required by Sections 311.5.1 through Section 311.5.5.

IFC Chapter 5 - Fire Service Features

IFC Section 503.1 is hereby amended to read as follows:

IFC 503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1 through 503.6 and Appendix D "Fire Apparatus Access Roads."

IFC Section 503.1.1 Exception 1.1 is hereby amended to read as follows:

Exception 1.1 If the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 903.3.1.1, 903.3.1.2 or 903.3.1.3, the dimension is allowed to increase to 300 feet.

IFC Section 503.1.2 is hereby amended to read as follows:

IFC 503.1.2 Additional access. A minimum of two approved fire apparatus access roads shall be provided to each new residential development or new commercial or multi-family building within the jurisdiction. If multiple fire apparatus access roadways cannot be provided, all occupiable structures that are located more than 660 feet from the last roadway providing access from two directions, as measured from the centerline of this last roadway, shall be protected with an approved automatic fire sprinkler system.

Exception: Where all occupiable structures beyond 660 feet (201 m) of the centerline of the last

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roadway providing access to the dead-end road are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.3, access from two directions shall not be required.

IFC Section 503.1.2.1 is hereby created and reads as follows:

IFC 503.1.2.1 Access to buildings. A minimum of two approved fire apparatus access drives shall be provided to each building or portion of building hereafter constructed or moved into the jurisdiction.

Exception: One- and two-family dwellings.

IFC Section 503.1.3 is hereby created and reads as follows:

IFC 503.1.3 Limited access. The fire code official is authorized to modify the fire apparatus access requirements due to existing waterways, topography, hazards or other factors.

IFC Section 503.2 is hereby amended to read as follows:

IFC 503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Section 503 and Appendix D "Fire Apparatus Access Roads."

IFC Section 503 is hereby amended to read as follows:

IFC 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

IFC 503.2.7. Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the fire code official.

IFC 503.2.8 Angles of approach and departure. Grade changes upon a fire apparatus access road or when entering or exiting from or to a fire apparatus access road, shall not exceed a 10 percent angle of approach or angle of departure.

IFC Section 505.1 is hereby amended to read as follows:

IFC Section 505.1 Address identification. New and existing buildings or facilities shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numerals shall be Arabic numbers and street names, if required to be installed with the numerals, shall be alphabet letters. Numbers shall not be spelled out with alphabet letters. Address identification shall be maintained.

IFC 505.1.1 Addresses shall be assigned by the governmental entity having jurisdiction and shall comply with the Town of Ault/Pierce Addressing System as well as the addressing standards of the county in which the property is located. At no time shall any new street be assigned the same name as, or one substantially similar to, any existing street name in the fire district providing primary emergency response.

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IFC 505.1.2 The approved address numerals shall be visible from the street fronting the property, and posted on a contrasting background. Bronze or brass numerals shall not be posted on a brick background.

IFC 505.1.3 The address numerals for any commercial or industrial buildings shall be placed at a height to be clearly visible from the street. Where required by the fire code official, address identification shall be provided in additional, approved locations to facilitate emergency response.

IFC 505.1.4 Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

IFC 505.1.5 Commercial or multiple-family buildings shall have numerals with a minimum height of four inches and stroke width of not less than one-half inch.

IFC 505.1.6 Residential buildings that contain no more than two dwelling units shall have a minimum four-inch high numerals, with a minimum stroke width of not less than one-half inch.

IFC 505.1.7 Individual suite or unit addresses shall be displayed with minimum four-inch-high numerals, with a minimum stroke width of not less than one-half inch.

IFC 505.1.8 Monument signs shall not be used in lieu of address numerals on the building.

IFC 505.1.9 Buildings with multiple suites, apartments or units shall have the individual suites, apartments or units provided with individual identification numbers in an approved, sequential order. Suites, apartments or units located on the first floor shall be identified by numbers within the 100 or 1000 range or series; Suites, apartments or units located on the second floor shall be identified by numbers within the 200 or 2000 range or series; Suites, apartments or units located on the third floor units shall be identified by numbers within the 300 or 3000 range or series. Higher floors shall follow this same numbering scheme. Floors below grade shall be identified with numerals within the 0100 range on the first floor below grade and 0200 on the second floor below grade; lower floors shall follow the same numbering pattern.

IFC 505.1.10 Buildings, either individually or part of a multi-building complex, that have emergency access lanes on sides other than on the addressed street side, may be required to have the address numerals and street name on each side that fronts the fire lane(s).

IFC 505.1.11 Buildings that are addressed on one street, but are accessible from an adjoining street, may be required to affix the address numerals and street name on each side that is adjacent to the other street(s).

IFC 505.1.12 Approved signage shall be provided in conspicuous locations on or within buildings to provide clear direction to locate any suite, apartment or unit within the building.

IFC 505.1.13 Multiple-building complexes shall be provided with approved signage as needed to direct first responders to individual buildings.

IFC Section 507.3 Fire flow is hereby amended to read as follows:

IFC 507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be

determined in accordance with Appendix B of this code.

IFC Section 507.5 Fire hydrant systems is hereby amended with the following changes:

IFC Section 507.5.1.1 is hereby amended to read as follows:

IFC 507.5.1.1 Hydrant for fire department connections. Buildings equipped with a fire department connection shall have a fire hydrant located with 150 feet of the fire department connection, using an approved route without obstacles. The hydrant and fire department connection shall be on the same side of the fire apparatus access road or parking lot drive aisle, unless otherwise approved by the fire code official.

Exception: The distance shall be permitted to exceed 150 feet where approved by the fire code official.

IFC Section 509.1.2 is hereby created and reads as follows:

IFC 509.1.2 Utility disconnect. The fire code official is authorized to approve utility disconnect locations.

IFC Chapter 9 - Fire Protection Systems

IFC Section 901.1 is hereby amended to read as follows:

IFC 901.1. Scope. The provisions of this chapter shall specify where fire protection and life safety systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. Where requirements of this code and the International Building Code are in conflict, the more restrictive shall apply.

IFC Section 903.2.8.5 is hereby created and reads as follows:

IFC 903.2.8.5. Dead-end roadways. An approved automatic fire-sprinkler system shall be installed in all Group R occupancies, including one- and two-family dwellings and townhomes, when the structure is located beyond 660 feet of the entrance to a dead-end roadway, as measured from the centerline of the last roadway providing access to the dead-end road.

IFC Section 903.2.8. is hereby by the addition of the following exception:

Exception:

1. One and two-family dwellings and townhomes shall not be required to have an automatic sprinkler system installed except where otherwise required in 903.2.8.5

IFC Section 903.2.9 is amended with the addition of **Condition #6** which reads as follows:

6. A Group S-1 fire area exceeds 5,000 square feet (464.5 m²) for self-storage buildings or structures.

IFC Section 903.4.3 is hereby amended to read as follows:

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IFC 903.4.3 Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures and to each individual tenant space in multi-tenant structures.

IFC Section 907.5.2 is hereby amended to read as follows:

IFC 907.5.2 Alarm notification appliances. Alarm notification appliances shall provide full occupant notification throughout the entire building or structure and shall be designed and installed in accordance with NFPA 72. Alarm notification appliances shall be listed for their purpose.

IFC Chapter 31 - Tents, Temporary Special Event Structures and Other Membrane Structures

IFC Section 3103.2 is hereby amended to read as follows

IFC 3103.2 Approval Required. Tents, canopies and membrane structures in excess of 700 square feet in size shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

IFC Section 3106.4.1.1 Standby emergency medical services is hereby created to read as follows:

IFC 3106.4.1.1 Standby emergency medical services. Public assembly events with an anticipated attendance of 350 persons or more shall require the standby services of at least one (1) basic life support ambulance staffed with at least two (2) EMT-Basics. Public assembly events with an anticipated attendance of more than 1,000 persons shall require the standby services of at least one (1) advanced life support ambulance staffed with at least one (1) EMT-Paramedic and one (1) EMT-Basic. The fire code official is authorized to grant exceptions and/or alternate plans for the provision of standby emergency medical services.

IFC Chapter 50 - Hazardous Materials - General Provisions

IFC Section 5001.1 Scope Exception #10 is hereby amended to read as follows:

10. The production, processing and/or storage of distilled spirits and wines in wooden barrels and casks when the building or facility is in conformance with "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" as published by the Distilled Spirits Council of the United States (DISCUS).

IFC Chapter 56 - Explosives and Fireworks

IFC Section 5601.1.3 Fireworks is hereby amended to read as follows:

IFC 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are

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prohibited unless permitted by state or local laws.

IFC Section 5601.1.3, Exception 4 is hereby amended as follows:

4. The possession, storage, sale, handling and use of *permissible fireworks* in accordance with state statute and local municipal codes.

IFC Section 5601.2.2 is hereby amended to read as follows:

IFC 5601.2.2 Sale and retail display. Persons shall not construct a retail display nor offer for sale explosives, explosive materials or fireworks on highways, sidewalks, public property or in any permanent building.

IFC Section 5602 Definitions is hereby amended with the addition of the following definition:

IFC Permissible Fireworks. As defined in Colorado Revised Statutes, 12-28-101 § CRS.

IFC Section 5610 Permissible fireworks is hereby created to read as follows:

IFC 5610 Permissible fireworks. Permissible fireworks shall be possessed, stored, sold, handled and used in accordance with this section and with state and local laws.

IFC 5610.1 General. Permissible fireworks use shall be as detailed in this section and in accordance with state and local laws.

IFC 5610.2 Use of fireworks. The use of permissible fireworks shall be in accordance with Sections 5610.2.1 through 5610.2.4.

IFC 5610.2.1 It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, use, or discharge any fireworks, other than permissible fireworks.

IFC 5610.2.2 It shall be unlawful for any person to knowingly furnish to any person under 16 years of age, by gift, sale, or any other means, any fireworks, including permissible fireworks.

IFC 5610.2.3 It shall be unlawful for any person under 16 years of age to purchase fireworks, including permissible fireworks.

IFC 5610.2.4 It shall not be unlawful for a person under 16 years of age to possess and discharge permissible fireworks if such person is under adult supervision throughout the act of possession and discharge.

IFC Chapter 57 - Flammable and Combustible Liquids.

IFC Section 5701.2 Non-applicability Exception #10 is hereby amended to read as follows:

10. The production, processing and/or storage of distilled spirits and wines in wooden barrels and casks

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when the building or facility is conformance with "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" as published by the Distilled Spirits Council of the United States (DISCUS).

IFC Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited is hereby amended to read as follows:

IFC 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as addressed by ordinance and/or zoning regulation adopted by the local government with jurisdiction.

IFC Section 5704.2.14.1 Removal is hereby amended by the following addition:

7. Removal of above-ground and underground tanks shall be in accordance with federal, state and local regulations.

IFC Section 5704.3.3 Indoor storage. Exception #2 is hereby amended to read as follows:

2. The production, processing and/or storage of distilled spirits and wines in wooden barrels and casks when the building or facility is conformance with "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" as published by the Distilled Spirits Council of the United States (DISCUS).

IFC Section 5706.2.4 is hereby amended to read as follows, and the exception is deleted:

IFC 5706.2.4. Permanent and temporary tanks. The capacity of permanent above-ground tanks containing Class I or Class II liquids shall not exceed 500 gallons, and the capacity of temporary above-ground tanks containing Class I or Class II liquids shall not exceed 2,000 gallons, unless larger amounts are approved in writing by the fire code official. Tanks shall be of single-compartment design.

IFC Section 5706.2.4.4 Locations where above-ground tanks are prohibited is hereby amended to read as follows:

IFC 5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground or underground tanks outside of buildings is prohibited within the limits established by ordinance and/or zoning regulation adopted by the local government with jurisdiction.

IFC Section 5706.3 Well drilling and operating is hereby amended with the following additions:

IFC 5706.3.9 Portable fire extinguishers. Portable fire extinguishers shall be located throughout the site in locations approved by the fire code official.

IFC 5706.3.10 Identification of hazards. All hazardous materials tanks or containers shall be appropriately labeled in accordance with NFPA 704, or other standard as approved by the fire code official. All hazard markings shall be maintained by the operator.

IFC 5706.3.11 Access roads. All access roads to well drilling and operating facilities shall comply with Section 505.1 and Appendix D of this code.

IFC 5706.3.12 Facility security. All fences and gates installed to provide facility security shall comply with

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Section 503.6 of this code. The fire code official may require a Knox Box, Knox switch, or Knox padlock to be installed by the operator to provide fire department access to the site.

IFC 5706.3.13 Safety regulations. All oil and gas locations shall comply with all Colorado Oil and Gas Conservation Commission (COGCC) rules. COGCC Rule 600 shall be specifically addressed for all site safety requirements.

IFC Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids

IFC Section 5806.2 Limitations is hereby amended to read as follows:

IFC 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by ordinance and/or zoning regulation adopted by the local government with jurisdiction.

IFC Chapter 61 - Liquefied Petroleum Gases

IFC Section 6104.2 Maximum capacity within established limits is hereby amended to read as follows:

IFC 6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed the limits established by ordinance and/or zoning regulation adopted by the local government with jurisdiction.

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department. These provisions shall not be interpreted so as to conflict with the provisions of Colorado Revised Statutes Title 8, Article 20 or Title 34 as amended. In the event of any conflict, the more restrictive provision shall prevail.

IFC Chapter 80 - Referenced Standards

IFC Chapter 80 Referenced standards is hereby amended with the following additions:

COGCC Colorado Oil and Gas Conservation Commission

1120 Lincoln Street, suite 801

Denver, CO 80203

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Rule 600: Safety Regulations

Referenced in Section 5706.3.13

DISCUS Distilled Spirits Council of the United States

1250 Eye Street, NW suite 400

Washington, DC 20005

Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities, 3rd edition, June 2005

Referenced in Sections 5001.1, 5701.2, 5704.3.3

NFPA National Fire Protection Association

1 Batterymarch Park

Quincy, MA 02169-7471

NFPA 1-18: Fire Code, Chapter 38: Marijuana Growing, Processing, or Extraction Facilities

Referenced in Subsection 105.6.51

NFPA 96-17: Standard for Ventilation Control and Fire Protection in Commercial Cooking Operations, Annex B

Referenced in Subsection 105.6.30.

IFC Appendices

Only the appendices of the 2018 International Fire Code listed herein are adopted as follows:

IFC APPENDIX B: Fire-Flow Requirements for Buildings is adopted with the following changes:

IFC Section B105.1 is hereby amended to read as follows:

IFC B105.1 One- and two-family dwellings. Group R-3 and R-4 buildings and townhouses. In the urban fire-flow area, the minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings and

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townhouses up to 3,600 square feet in area shall be 1,000 gpm, with a flow duration of 1 hour. In rural fire-flow areas, minimum fire-flow and flow duration shall be 500 gallons per minute and 1 hour for one- and two-family dwellings, Group R-3 and R-4 and townhomes less than 3,600 square feet in area. For any one- and two-family dwellings, Group R-3 and R-4 and townhouses exceeding 3,600 square feet in area, regardless of location, minimum fire-flow and flow duration requirements shall be as specified in Table B105.1.

Exception: The fire code official is authorized to decrease the minimum required fire-flow and flow duration for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses protected by an approved automatic sprinkler system.

IFC IFC Section B105.2 is hereby amended to read as follows:

IFC B105.2 Buildings other than one- and two-family dwelling, Group R-3 and R-4 and townhouses. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1 and B105.2

IFC Table B105.1(1) Required Fire Flow for One- and Two-Family Dwellings, Groups R-3 and R-4 Buildings and Townhomes is hereby deleted in its entirety.

IFC Table B105.1(2) is hereby renamed **Table B105.1 Area, Fire Flow and Duration**

IFC Table B105.2 is hereby amended to read as follows:

IFC TABLE B105.2

REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1	Duration in Table B105.1
Section 903.3.1.1 of the International Fire Code	25% of the value in Table B105.1a	Duration in Table B105.1 at the reduced flow rate
Section 903.3.1.2 of the International Fire Code	25% of the value in Table B105.1b	Duration in Table B105.1 at the reduced flow rate

IFC Table B105.2, Footnote a. is hereby amended to read as follows:

1. The reduced fire flow shall be not less than 1,500 gallons per minute

IFC Section B106 is hereby amended by the deletion of **IRC-18 Table B105.1(1)**

IFC APPENDIX C: Fire Hydrant Locations and Distribution is adopted with the following changes:

IFC Section C101.1 is hereby amended to read as follows:

IFC C101.1 Scope. In addition to the requirements of Section 507.5.1, fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction. The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

IFC Table C102.1 is hereby amended by renaming it **Table C102.1 Required Number of Fire Hydrants** and deleting columns Average Spacing Between Hydrants and Maximum Distance from any Point on a Street or Road Frontage to a Hydrant, and deleting all footnotes.

IFC Section C103 is hereby amended with the creation of **Table C103.1 Required Spacing of Hydrants** and associated footnotes:

TABLE C103.1

REQUIRED SPACING OF HYDRANTS APPLICATION	SPACING BETWEEN HYDRANTS (feet) a,b	MAXIMUM DISTANCE FROM THE CLOSEST POINT ON A BUILDING TO A HYDRANT (feet)
Buildings other than one- and two-family dwellings, Group R-3 and R-4, and townhouses	350	400c
Urban One- and Two-Family Dwellings, Group R-3 and R-4, and townhouses	600	600
Rural One- and Two-Family Dwellings, Group R-3 and R-4, and townhouses	1,000	1,000

1. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or are arterial streets, hydrant spacing shall average 350 feet on each side of the street and be arranged on an alternating basis.
2. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
3. For buildings equipped with a fire department connection, see Section 507.5.1.1.

IFC Section C103.1 is hereby amended to read as follows:

IFC C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or

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more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

IFC Section C103.2 is hereby amended to read as follows:

IFC C103.2 Spacing between hydrants. The spacing between fire hydrants shall be in accordance with Table C103.1. (Exception deleted).

IFC Section C103.3 is hereby amended to read as follows:

IFC C103.3 Spacing from hydrants to a building. The maximum spacing from fire hydrants to a structure shall be in accordance with Table C103.1

IFC Section C105 Referenced Standard is hereby deleted in its entirety.

IFC APPENDIX D: Fire Apparatus Access Roads is adopted with the following changes:

IFC Section D102.1 is hereby amended to read as follows:

IFC D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road capable of supporting the imposed load of fire apparatus weighing at least 80,000 pounds (36,287 kg).

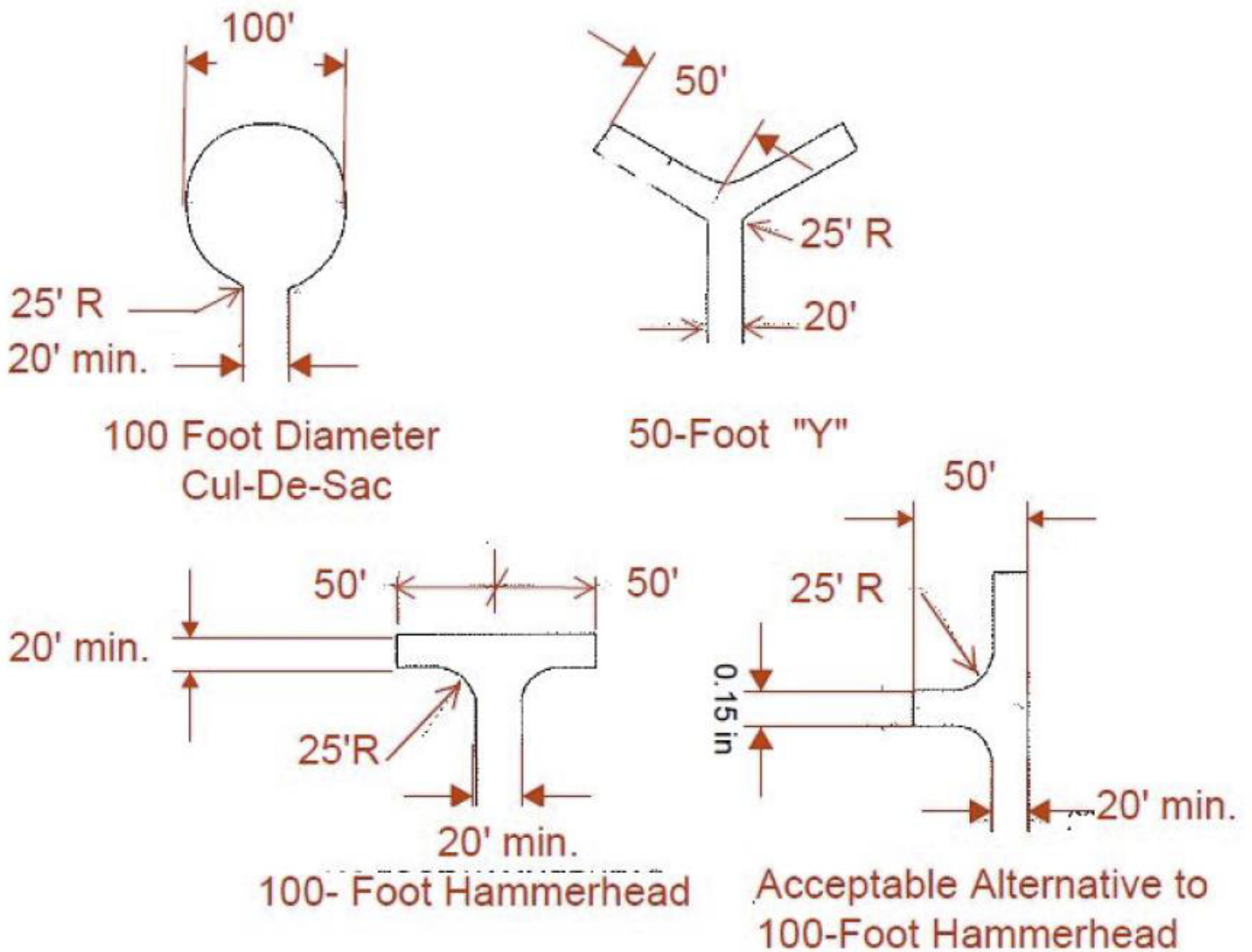
IFC Section D102.2 is hereby created and reads as follows:

IFC D102.2 Roadway surface. All access roadways must be all-weather driving surfaces capable of supporting fire apparatus. Surfaces shall be asphalt or concrete and maintained in a usable condition at all times. Compacted road base or other all-weather surfaces engineered and capable of supporting the imposed loads may be approved for outdoor vehicle storage, ground-mounted solar installations, cell towers and similar isolated facilities and structures when approved by the fire code official.

IFC Section D102.2.1 is hereby created and reads as follows:

IFC D102.2.1 Access during construction. Compacted road base, chip or other all-weather surfaces shall be used only for temporary emergency access. All required access roads must be installed and serviceable before aboveground construction begins. Temporary access shall be available as long as the site is under construction. Thereafter, permanent fire lanes conforming with D102.1 and D102.2 shall be accessible and unobstructed at all times.

IFC Table D103.1 is hereby amended to read as follows:



IFC **Table D103.4** is hereby amended to read as follows:

IFC TABLE 103.4

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151 and longer	20	100-foot hammerhead, 100-foot cul-de-sac in accordance with Figure D103.1

IFC **Section D103.3** is hereby amended to read as follows:

IFC D103.3 Turning radius. The minimum turning radii shall be 25 feet inside radius and 50 feet outside radius.

IFC **Section D103.5** is amended with the addition of an exception that reads as follows:

IFC Exception: Private driveways serving one (1) single-family residence.

IFC Section D103.6 is hereby amended to read as follows:

IFC D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING - FIRE LANE signs complying with Chapter 2B of the Manual on Uniform Traffic Control Devices. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

IFC Figure D103.6 Fire Lane Signs is hereby deleted in its entirety.

IFC Section D104 is hereby amended to read as follows:

IFC Section D104 Emergency Vehicle Access to all Developments

IFC D104.1 Multiple access. A minimum of two approved fire-apparatus access roads shall be provided to each developed lot within the jurisdiction. If multiple fire apparatus access roadways cannot be provided and the single, dead-end roadway is in excess of 660 feet in length, as measured from the centerline of the last roadway providing access to the dead-end road, all occupiable structures located beyond 660 feet shall be protected with an approved automatic fire sprinkler system.

IFC Exception: Where all occupiable structures beyond 660 feet (201 m) of the centerline of the last roadway providing access to the dead-end road are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.3, access from two directions shall not be required.

IFC D104.2 Access to buildings. A minimum of two approved fire-apparatus access drives shall be provided to each building or portion of building hereafter constructed or moved into the jurisdiction.

Exception: One- and two-family dwellings.

IFC D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. If all structures are protected by an approved automatic fire-sprinkler system, the access roadways may be placed a distance apart equal to not less than one-third the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line.

IFC Section D106 is hereby deleted in its entirety.

IFC Section D107 is hereby deleted in its entirety.

IFC Section D108 is hereby deleted in its entirety.

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IFC APPENDIX E: Hazard Categories is adopted in its entirety.

IFC APPENDIX F: Hazard Ranking is adopted in its entirety.

IFC APPENDIX G: Cryogenic Fluids - Weight and Volume Equivalents is adopted in its entirety.

IFC APPENDIX H: Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions is adopted in its entirety.

IFC APPENDIX I: Fire Protection Systems - Noncompliant Conditions is adopted in its entirety.

15. 04. 020. International Building Code

The International Building Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478. Chapters 1 through 33 inclusive and Appendix Chapter I, is hereby adopted by reference as the Town of Ault Building Code as if fully set out in this ordinance with the additions deletions insertions and changes as follows.

IBC Section 101.1 IBC Section 101.1 (Title) is amended by the addition of "Town of Ault" where indicated.

IBC Section 101.4.3 IBC Section 101.4.3 (Plumbing) is amended by the deletion of the last sentence.

IBC Section 101.4.5 IBC Section 101.4.5 (Fire prevention) is amended by replacing "International Fire Code" with "adopted fire code".

IBC Section 101.4.6 IBC Section 101.4.6 (Energy) is amended by replacing "International Energy Conservation Code" with "2012 International Energy Conservation Code".

IBC Section 105.1 IBC Section 105.1 (Required) is amended by replacing "building official" with "town".

IBC Section 105.2 IBC Section 105.2 (Work exempt from permit) is amended by:

Building Exception #1 is deleted in its entirety and replaced with "One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure."

Building Exception #2 is deleted in its entirety and replaced with "Fences not over 6 feet high.

Building Exception #14 is added to read "Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

IBC Section 105.5 IBC Section 105.5 (Expiration) is amended by the deletion of this section in its entirety and replaced with the following:

"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from

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the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount of the original permit fee, exclusive of any taxes or other fees already accessed, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."

IBC Section 109.4 IBC Section 109.4 (Work commencing before permit issuance) is amended by the deletion of this section in its entirety and replaced with the following:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be accessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.

IBC Section 109.6 IBC Section 109.6 (Refunds) is amended by the deletion of this section in its entirety and replaced with the following:

"The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

IBC Section 111.3 IBC Section 111.3 (Temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing it with "town".

IBC Section 113.1 IBC Section 113.1 (General) is amended by the deletion of the last two sentences and replaced with the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board."

IBC Section 113.3 IBC Section 113.3 (Qualifications) is amended by the deletion of this section in its entirety.

IBC Section 114.2 IBC Section 114.2 (Notice of Violation) is amended by the addition of "Notice of Violations shall be delivered in accordance with section 107 of the IPMC" after the last paragraph.

IBC Section 202 IBC Section 202 (Definitions) is amended by addition of the following:

"Sleeping Room" (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the

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minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

IBC Section 915.2.1 IBC Section 915.2.1 (Dwelling units) is amended by the deletion of the first sentence and replaced with the following:

"Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area."

IBC Section 1015.2 IBC Section 1015.2 (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

IBC Section 1020.1 IBC Section 1020.1 (Table 1020.1 Corridor Fire-Resistance Rating) is amended to replace the corridor rating for R Occupancies with a sprinkler system from 0.5 to 1-Hour fire rating.

IBC Section 1030.1 IBC Section 1030.1 (General) is amended by the deletion of Exception 4.

IBC Section 1030.2. IBC Section 1030.2. (Minimum size) is amended by the deletion of the exception.

IBC Section 1301.1.1 IBC Section 1301.1.1 (Criteria) is amended by replacing "International Energy Conservation Code" with the "2012 International Energy Conservation Code".

IBC Section 1612.3 IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "Town of Ault" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the Town of Ault where indicated in [Date of Issuance].

HISTORY

- Original
- Ord. 515, Section 1, 2020

15. 04. 030. Mechanical Code Adopted by Reference

The International Mechanical Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Ault, Mechanical Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

IMC Section 101.1 IMC Section 101.1 (Title) is amended by the addition of the term "Town of Ault, where indicated.

IMC Section 504.8.4.2 IMC Section 504.6.4.2 (Manufactures Instructions) is amended by the deletion of this section in its entirety.

15.04.040. National Electrical Code Adopted by Reference

Pursuant to Section 31-16-201, et seq., as amended by reference thereto, the National Electric Code, 2020 Edition, published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by the Town of Ault.

- A. Title for Citation. The Ordinance codified in this section may be known and cited as the "National Electrical Code of the Town of Ault, Colorado."
- 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.
- 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.
- D. Interpretation of Provisions. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform electrical regulations.
- 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.

(Ord. 371, Section 1, 1998; Ord. 404, Section 1, 2002)

15.04.050. Residential Code Adopted by Reference

The International Residential Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 43 inclusive and Appendix Chapters H and M is hereby adopted by reference as the Town of Ault Residential Building Code as if fully set out in this ordinance with the additions deletions insertions and changes as follows:

IRC Section R101.1 IRC Section R101.1 (Title) is amended by the addition of the term "Town of Ault" where indicated.

IRC Section R105.1 IRC Section R105.1 (Required) is amended by replacing the words "building official" with "town".

IRC Section R105.2 IRC Section R105.2 (Work Exempt from Permit) is amended by:

Building Exception #1 is deleted in its entirety and replaced with "One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed 10 feet above grade measured from a point directly outside the exterior walls of the structure."

Building Exception #2 is deleted in its entirety and replaced with "Fences not over 6 feet high."

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Building Exception #10 is deleted in its entirety and replaced with: "Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.

IRC Section 105.5 IRC Section 105.5 (Expiration) is amended by the deletion of this section in its entirety and replaced with the following:

"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."

IRC Section R108.5 IRC Section R108.5 (Refunds) is amended by the deletion of this section in its entirety and replaced with the following:

"The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The town may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The town may authorize refunding of not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

IRC Section R108.6 Section R108.6 (Work commencing before permit issuance) is amended by the deletion of this section in its entirety and replaced with the following:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be assessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.

IRC Section R109.1.5 IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection as follows:

R109.1.5.2 Insulation Inspection Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed.

IRC Section R110.4 IRC Section R110.4 (Temporary occupancy) is amended by the deletion of the words "building

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official" in the first and second sentence and replaced with "town".

IRC Section R112.1 IRC Section R112.1 (General) is amended by the deletion of the last three sentences and replaced with the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board."

IRC Section R112.3 IRC Section R112.3 (Qualifications) is amended by the deletion of this section in its entirety.

IRC Section R113.2 IRC Section R113.2 (Notice of Violation) is amended by the addition of "Notice of Violations shall be delivered in accordance with section 107 of the IPMC" after the last paragraph.

IRC Section R202 IRC Section R202 (Definitions) is amended by addition of the following:

"Sleeping Room" (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms.

IRC Table R301.2 (1) IRC Table R301.2 (1) is filled to provide the following:

Table R301.2 (1)

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (V)	Topographic effects		Weathering	Frost Line Depth	Termite					
30psf	115	No	B	Severe	30 in.	Slight to Moderate	1	YES	1/20/16	1000	45°F

Climatic and Geographic Design Criteria

IRC Section R302.1 IRC Section R302.1 (Exterior walls) is amended by the deletion of the wording; "or dwellings equipped throughout with an automatic sprinkler system installed in accordance with section P2904 shall comply with table R302.1(2)."

IRC Table R302.1 (2) IRC Table R302.1 (2) is amended by deleting the section in its entirety.

IRC Section R302.3 IRC Section R302.3 (Two-family dwelling) is amended by replacing "1-Hour fire-resistance rating" with "2-Hour fire-resistance rating" and by deleting exception 1.

IRC Section R302.13 IRC Section R302.13 (Fire Protection of Floors) is amended by the addition of exceptions 5, 6, and 7 as follows:

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Exception #1 - Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other approved equivalent sprinkler system.

Exception #2 - Floor assemblies located directly over a crawl space not intended for storage or for the installation of fuel-fired or electric -powered heating appliances.

Exception #3 - Portions of floor assemblies shall be permitted to be unprotected where complying with the following:

3.1 The aggregate area of the unprotected portions does not exceed 80 square feet (7.4 m²) per story.

3.2 Fireblocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.

Exception #4 - Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2 inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

IRC Section R303.4 IRC Section R303.4 (Mechanical Ventilation) is amended by replacing "5 air changes per hour" with "7 air changes per hour" and replacing the words "in accordance with section N1102.4.1.2" with "in accordance with section 402.4.1.2 of the International Energy Conservation Code 2012 Edition.

IRC Section R309.5 IRC Section R309.5 (Fire sprinklers) is amended by the deletion of this section in its entirety.

IRC Section R310.1 IRC Section R310.1 (Emergency escape and rescue opening required) is amended by adding the following after the first paragraph:

"All windows located in basements, habitable attics and sleeping rooms shall meet all the requirements of section R310.1 through R310.2.5."

Exception #2 is amended by the deletion of the exception and its conditions.

IRC Section R310.2.1 IRC Section R310.2.1 (Minimum opening area) is amended by the deletion of the exception.

IRC Section R310.2.3 IRC Section R310.2.3 (Window wells) is amended by the addition of the following;

"For all building permits issued after the effective date of Ordinance, July 15, 2019, all escape and rescue windows requiring a window well pursuant to the International Residential Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of Ordinance, July 15, 2019, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Towns regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the town."

IRC Section R310.2.3.1 IRC Section R310.2.3.1 (Ladder and steps) is amended by the addition of the following exception to read as follows:

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"Exception: Only one window well ladder shall be required in an unfinished basement."

IRC Section R312.1 IRC Section R312.1 (Guards required) is amended by the addition of a third paragraph as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

Exceptions:

1. The access side of stairways need not be protected.
2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section R310.4 of this code.
3. Covers and grates may be used over stairways and other openings used exclusively for service access or for admitting light or ventilation."

IRC Section R313 IRC Section R313 (Automatic Fire Sprinkler Systems) is amended by the deletion of this section in its entirety.

IRC Section 315.3 IRC Section 315.3 (Location) is amended by deleting the first sentence and replacing it with the following:

"Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area."

IRC Section R401.2 IRC Section R401.2 (Requirements) is amended by the addition of the following after the first paragraph:

"Foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. 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 prepared by State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies."

IRC Section R405.1 IRC Section R405.1 (Concrete or masonry foundations) is amended by the addition of the following after the first sentence: All foundation drains shall be designed and inspected by a State of Colorado registered design professional.

IRC Chapter 11 IRC Chapter 11 (Energy Efficiency) is amended by the deletion of this chapter in its entirety and replaced with the 2012 International Energy Conservation Code.

IRC Section M1502.4.5.2 IRC Section M1502.4.5.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

IRC Section G2415.12 IRC Section G2415.12 (Minimum burial depth) is amended by the addition of the following: All

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plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

IRC Section G2415.12.1 IRC Section G2415.12.1 (Individual outdoor appliances) is amended by the deletion of this section in its entirety.

IRC Section G2417.4.1 IRC Section G2417.4.1 (Test pressure) is amended by replacing 3 psig with 10 psig.

IRC Section G2417.4.2 IRC Section G2417.4.2 (Test Duration) is amended by replacing "10 Minutes" with "15 Minutes".

IRC Section P2503.5.1 IRC Section P2503.5.1 (Rough plumbing) is amended by the deletion of the first sentence and replaced with "DWV systems shall be tested on completion of the rough piping installation by water or air without evidence of leakage."

IRC Section P2603.5.1 IRC Section P2603.5.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)".

IRC Section P2913 IRC Section P2913 (Reclaimed water systems) is amended by the deletion of this section in its entirety.

IRC Section P3103.1.1 IRC Section P3103.1.1 (Roof extension) is amended by replacing "6 inches" with "12 inches".

15. 04. 060. Plumbing Code Adopted by Reference

The International Plumbing Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Ault Plumbing Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as follows:

IPC Section 101.1 IPC Section 101.1 (Title) is amended by the addition of the term "Town of Ault" where indicated.

IPC Section 305.4.1 IPC Section 305.4.1 (Sewer depth) is amended by filling in both areas where indicated to read "twelve (12) inches (305 mm)".

IPC Section 312.3 IPC Section 312.3 (Drainage and vent air test) is amended by deleting the first paragraph.

IPC Section 904.1 IPC Section 904.1 (Roof extension) is amended by inserting the number "twelve (12)" (152.4 mm) where indicated in the second sentence.

15. 04. 070. Property Maintenance Code Adopted by Reference

The International Property Maintenance Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Ault Property Maintenance Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

IPMC Section 101.1 IPMC Section 101.1 (Title) is amended by the addition of the term "Town of Ault" where indicated.

IPMC Section 102.3 IPMC Section 102.3 (Application of Other Codes) is amended by the deletion of the last paragraph.

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IPMC Section 103.5 IPMC Section 103.5 (Fees) is amended by the deletion of this section in its entirety.

IPMC Section 111.2 IPMC Section 111.2 (Membership of board) is amended by the deletion this section 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."

IPMC Section 111.2.1 IPMC Section 111.2.1 (Alternate Members) is amended by the deletion of this section in its entirety.

IPMC Section 111.2.2 IPMC Section 111.2.2 (Chairman) is amended by the deletion of this section in its entirety.

IPMC Section 111.2.3 IPMC Section 111.2.3 (Disqualification of member) is amended by the deletion of this section in its entirety.

IPMC Section 111.2.4 IPMC Section 111.2.4 (Secretary) is amended by the deletion of this section in its entirety.

IPMC Section 111.2.5 IPMC Section 111.2.5 (Compensation of members) is amended by the deletion of this section in its entirety.

IPMC Section 111.3 IPMC Section 111.3 (Notice of Meeting) is amended by the deletion of this section in its entirety.

IPMC Section 111.4 IPMC Section 111.4 (Open Hearing) is amended by the deletion of this section in its entirety.

IPMC Section 302.3 IPMC Section 302.3 (Sidewalks and Driveways) is amended by the deletion of this section in its entirety.

IPMC Section 302.4 IPMC Section 302.4 (Weeds) is amended by the deletion of this section in its entirety.

IPMC Section 302.8 IPMC Section 302.8 (Motor Vehicles) is amended by the deletion of this section in its entirety.

IPMC Section 304.14 IPMC Section 304.14 (Insect Screens) is amended by the deletion of this section in its entirety.

IPMC Section 308 IPMC Section 308 (Rubbish and Garbage) is amended by the deletion of this section in its entirety.

IPMC Section 309 IPMC Section 309 (Pest Elimination) is amended by the deletion of this section in its entirety.

IPMC Section 604.2 IPMC Section 604.2 (Service) is amended by replacing "NFPA 70" with "Electrical Code adopted by the state of Colorado."

15. 04. 080. Existing Building Code Adopted by Reference

The International Existing Building Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 16 inclusive, is hereby adopted by reference as the Town of Ault Existing Building Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

International Existing Building Code is amended by replacing all references to "International Fire Code" with "Adopted Fire Code".

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IEBC Section 101.1 IEBC Section 101.1 (Title) is amended by the addition of the term "Town of Ault" where indicated.

IEBC Section 1401.2 IEBC Section 1401.2 (Conformance) is amended by the deletion of this section in its entirety and replaced with the following: "Structures moved into or within the jurisdiction shall comply with the provision of this code for new structures."

15. 04. 085. International Energy Conservation Code

The International Energy Conservation Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 5 inclusive, is hereby adopted by reference as the Town of Ault Energy Conservation Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

IECC Section C101.1 IECC Section C101.1 (Title) is amended by the addition of the term "Town of Ault" where indicated.

IECC Section 101.5.2 IECC Section 101.5.1 (Low energy buildings) is amended by adding Exception #3 that reads as follows; Commercial structures that lack one or more of the basic amenities or utilities required for year-round occupancy or use such as a permanent heating system, insulation, and/or year-round usable plumbing.

IECC Section C109.1 IECC Section 109.1 (General) is amended by the deletion of the last three sentences and replaced with the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board."

IECC Section C109.3 IECC Section 109.3 (Qualifications) is amended by the deletion of this section in its entirety.

IECC Section R402.4.1.2 IECC Section R402.4.1.2 (Testing) is amended by the deletion of this section in its entirety.

IECC Section C408 IECC Section C408 (System commissioning) is amended by the deletion of this section in its entirety.

HISTORY

- Original
- Ord. 529, 2021

15. 04. 090. Abatement of Dangerous Buildings Adopted by Reference

The International Swimming Pool and Spa Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 11 inclusive, is hereby adopted by reference as the Town of Ault Swimming Pool and Spa Code as if fully set out in this ordinance with the additions, deletions, insertions and changes.

15. 04. 100. Fuel Gas Code Adopted by Reference

The International Fuel Gas Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Ault Fuel Gas Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.

IFGC Section 101.1 IFGC Section 101.1 (Title) is amended by the addition of the term "Town of Ault" where indicated.

IFGC Section 404.12 IFGC Section 404.12 (Minimum burial depth) is amended by the addition of the following: All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.

IFGC Section 404.12.1 IFGC Section 404.12.1 (Individual outside appliances) is amended by the deletion of this section in its entirety.

IFGC Section 406.4.1 IFGC Section 406.4.1 (Test pressure) is amended by replacing 3 psig with 10 psig.

IFGC Section 406.4.2 IFGC Section 406.4.2 (Test duration) is amended by changing the second paragraph to read; "When testing a system having a volume less than 10 cubic feet or a system in a single-family dwelling, the test duration shall be not less than 15 minutes".

IFGC Section 614.8.4.2 IFGC Section 614.8.4.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

15. 04. 110. Fees and Charges

15. 04. 120. Violation - Penalty

Chapter 15. 06 Fence Construction Permits

Sections:

15. 06. 010 Requirement for Municipal Permit Prior to Fence Construction

15. 06. 020 Fee for Fence Permit

15. 06. 030 Failure to Obtain Permit

15. 06. 010. Requirement for Municipal Permit Prior to Fence Construction

In all zoning Districts within the Town except AG (Agricultural) and RR (Rural Residential), prior to beginning construction of any fence, all businesses and homeowners shall obtain a municipal fence permit by submitting to the Town Clerk's Office a plan or description of the proposed fence and a diagram of its placement on the owner's property, together with a description or depiction of the materials to be used, color, and specifications. Town staff shall evaluate the request for compliance with the Ault Municipal Code, including but not limited to compliance with Section 17.02.060. In addition to such requirements, any fence which obstructs access to a municipal easement shall not be approved. The permit shall be issued or denied with reasons in writing within three business days. In the event a permit is denied, the property owner may re-submit a corrected plan with no additional fee charged.

15. 06. 020. Fee for Fence Permit

The primary purpose of a fence permit is to avoid conflicts with municipal easements, public property, and design restrictions. Therefore the Clerk shall charge a fee as set by the Municipal fee schedule, not to exceed \$25.00, for issuance of such permit.

15. 06. 030. Failure to Obtain Permit

Any property owner constructing a fence without first obtaining a permit as required by this chapter shall be subject to all penalties provided for violation of this Code. However, such violation may be cured by a property owner applying,

after construction, for such permit and complying with any requirements which would have been applicable had the permit been applied for prior to construction, including removal of any installed fence that violates the provisions of the municipal Code or other applicable regulations.

Chapter 15. 08 Mobile Homes and Mobile Home Parks

Sections:

- 15. 08. 010 Definitions
- 15. 08. 020 Permits- -Inspections
- 15. 08. 030 Permits- -Original and Renewal
- 15. 08. 040 Permits- -Complete Plan Required
- 15. 08. 050 Permit- -Temporary
- 15. 08. 060 Permit Fees
- 15. 08. 070 Compliance with Zoning and Building Code Provisions
- 15. 08. 080 Development Standards Generally
- 15. 08. 090 Location
- 15. 08. 100 Land Area
- 15. 08. 110 Space Requirements
- 15. 08. 120 Access and Service Roads
- 15. 08. 130 Walkways, Paving and Lighting
- 15. 08. 140 Parking
- 15. 08. 150 Recreation Areas
- 15. 08. 160 Clothes Drying Area
- 15. 08. 170 Fire Protection
- 15. 08. 180 Animals and Pets
- 15. 08. 190 Service Buildings
- 15. 08. 200 Water Supply
- 15. 08. 210 Sewage Disposal
- 15. 08. 220 Refuse Disposal
- 15. 08. 230 Electricity
- 15. 08. 240 Fuel
- 15. 08. 250 Alterations and Additions
- 15. 08. 260 Improvements- -Guarantee of Completion
- 15. 08. 270 Responsibilities of Park Owner or Operator
- 15. 08. 280 Violation- -Penalty
- 15. 08. 290 Vehicles as a Residence
- 15. 08. 300 Temporary Residence Permits
- 15. 08. 310 REPEALED
- 15. 08. 320 REPEALED
- 15. 08. 330

15. 08. 010. Definitions

As used in this chapter:

- A. "Administrative Official" means an inspector legally designated by the Board of Trustees of Ault, Colorado.
- B. "Dependent Mobile Home" means a mobile home which does not have a flush toilet and a bathtub or shower.
- C. "Independent Mobile Home" means a mobile home that has a flush toilet and bathtub and shower.
- D. "Mobile Home" means any vehicle, or similar portable structure designed for use as a conveyance upon highways, having no foundation other than wheels or removable jacks and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- E. "Mobile Home Park" means any plot of ground held under single ownership and having central sanitation facilities under single ownership and having central sanitation facilities, upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- F. "Mobile Home Space" means a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.
- G. "Permit" means a written permit issued by the administrative official permitting the construction, alteration or operation of a mobile home park under this chapter and regulations promulgated thereunder.
- H. "Person" means any individual, firm, partnership, corporation, company or association.
- I. "Service Building" means a building housing toilet and bathtub facilities for men and women, with laundry facilities and such other facilities as may be required by this chapter.
- J. "Travel Trailer" means a mobile home less than seven and one-half (7 1/2) feet wide and less than twenty-five (25) feet in length designed for temporary occupancy, generally for vacation purposes during the summer months, and located not more than six (6) months in any one (1) mobile home park.
- K. "Trailer" shall be construed to mean any structure built on a wheel or wheels (such as for transport of goods) or designed to be used by a person or persons for living and/or for livestock.

(Ord. 152 1, 1968) (Ord. 167 (part), 1970)

15.08.020. Permits- -Inspections

It is unlawful for any person to construct, maintain, operate or alter any mobile home parks within the Town unless he holds a valid permit or license issued annually by the administrative official in the name of such person for the specific mobile home park. All applications for permits shall be made to the administrative official who shall issue a permit upon compliance by the applicant with provisions of this chapter and of any regulations adopted pursuant thereto, and of any other applicable legal requirements. No permit shall be transferable. Every person holding such a permit shall give notice in writing to the administrative official within seventy-two (72) hours after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile home park. Such notice shall include the name and address of the persons succeeding to the ownership or control of such mobile home park.

(Ord. 167 (part), 1970)

15.08.030. Permits- -Original and Renewal

- A. Application for original permits shall be in writing, signed by the applicant, and shall contain the following:
 - 1. The name and address of the applicant;

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2. The interest of the applicant in and the location and legal description of the mobile home park;
 3. A complete plan of the mobile home park, showing compliance with all provisions of this chapter and regulations promulgated;
 4. Such further information as may be requested by the administrative official, or health officer, to enable him to determine that the proposed mobile home park will comply with legal requirements.
- B. Applications for renewal of permits or annual license shall be made in writing by the holder of the permit and shall contain the following:
1. Any change in the information submitted since the time the original permit was issued or the latest renewal granted;
 2. Such other information as the administrative official may require.

(Ord.167 (part), 1970)

15.08.040. Permits- -Complete Plan Required

A complete plan, for the purpose of obtaining a permit to be issued by the administrative official shall show:

- A. The area and dimensions of the tract of land;
- B. The number, location, and size of all mobile home spaces, with designation as dependent or independent;
- C. The location and width of roadways and sidewalks;
- D. The location and size of automobile parking lots and recreation areas;
- E. The location of service buildings and any other proposed structures;
- F. Source of water supply, and methods to be used for sewage and garbage disposal;
- G. Plans and specifications of all buildings, utilities, and other improvements constructed or to be constructed within the mobile home park.

(Ord.167 (part), 1970)

15.08.050. Permit- -Temporary

- A. A temporary permit or license upon written request thereof, shall be issued by the administrative official for every mobile home park in existence on the effective day of the Ordinance codified in this chapter, permitting the park to be maintained and operated during the period ending one hundred eighty (180) days after the effective date of said Ordinance, without being subject to the provisions of this chapter except such of the provisions as are expressly applicable to health and safety.
- B. Existing parks shall file an application for a mobile home park permit in conformity with Section 15.08.020 of this chapter within ninety (90) days after the effective date of the Ordinance codified in this chapter. The complete plan submitted shall show compliance with all applicable provisions of this chapter, except where compliance with such minimum width, area and distance requirements would constitute an unreasonable hardship. A mobile home park shall be issued at such time as the administrative official determines by an inspection that the existing park conforms fully to the complete plan submitted with the application.
- C. The term of the temporary permit shall be extended, upon written request, not to exceed one (1) additional period of one hundred eighty (180) days, provided the administrative official finds that the owner or operator is undertaking action reasonably calculated to make the existing park conform fully to the complete plan within the

extended period.

(Ord. 167 (part), 1970)

15.08.060. Permit Fees

- A. Repealed.
- B. Repealed.
- C. Special inspection fees and building permit fees shall be as authorized by a schedule of such fees as adopted by the Town.
- D. The administrative official is authorized and directed to determine the condition of mobile home parks, and individual mobile homes parked on private lots, in order that they may perform their duty of safeguarding the health and safety of occupants of mobile homes and mobile home parks and of the general public, administrative official shall have the power to enter at a reasonable time upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of regulations promulgated thereunder.

(Ord. 167 (part), 1970)

15.08.070. Compliance with Zoning and Building Code Provisions

- A. The site for a mobile home park shall be subject to all applicable zoning regulations of the Town.
- B. All buildings and utilities to be constructed, altered, or repaired in a mobile home park shall comply with all applicable Codes of the Town and the state, including building, electrical, plumbing, petroleum gases, and similar codes, and shall require a building permit.

(Ord. 167 (part), 1970)

15.08.080. Development Standards Generally

Each mobile home park shall be reviewed as to location by the Planning Commission before consideration by the Board of Trustees, and before a permit or license is issued. Sparsely wooded sites providing shade trees and advantageous rock formations close to the surface should be avoided. Where possible, the site should be accessible to public utilities, including water, sewer, electricity and natural gas. The mobile home park should be buffered by a greenbelt planting strip, or other suitable means, for the benefit of occupants of mobile homes as well as other permitted uses adjacent to the park.

(Ord. 167 (part), 1970)

15.08.090. Location

The mobile home park shall be located on a well-drained site, and shall be so located that its drainage will not endanger any water supply. Park sites shall not be subject to flooding, fire, or safety hazards, and shall not be exposed to chronic nuisances, such as noise, smoke, fumes or odors. The topography shall be favorable to minimum grading, mobile home placement, and ease of maintenance.

(Ord. 167 (part), 1970)

15.08.100. Land Area

- A. The area of the mobile home park shall be large enough to accommodate:
 - 1. The designated number of mobile home spaces;
 - 2. Necessary streets and roadways;
 - 3. Parking areas for motor vehicles.
- B. Service and recreation areas should be provided to meet the anticipated needs of the people the mobile home park is designed to serve.

(Ord.167 (part), 1970)

15.08.110. Space Requirements

- A. Each dependent mobile home space shall contain a minimum of one thousand two hundred fifty (1,250) square feet and shall be at least twenty-five (25) feet wide. Each independent mobile home space shall contain a minimum of one thousand eight hundred (1,800) square feet and shall be at least twenty-eight (28) feet wide. Each mobile home space shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined. Mobile homes shall be parked in such spaces so that there will be a minimum of fourteen (14) feet between mobile homes and so that each mobile home will be at least ten (10) feet from any service road. Mobile homes parked end-to-end may have an end-to-end clearance of less than fifteen (15) feet but it shall not be less than ten (10) feet. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. The required area for each mobile home space shall not include additional area required for service roads, off-street parking, service buildings, recreation areas, office, and similar mobile home park needs.
- B. It shall be unlawful to park a mobile home in any manner that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.
- C. It is unlawful to allow:
 - 1. Any mobile home to be occupied in a mobile home park unless that mobile home is situated on a mobile home space;
 - 2. An independent mobile home to be located on a dependent mobile home space.

(Ord. 167 (part), 1970)

15.08.120. Access and Service Roads

The site shall have direct access to a public street or highway by a right-of-way at least thirty-five (35) feet in width. Service roads shall be provided to each mobile home space.

(Ord.167 (part), 1970)

15.08.130. Walkways, Paving and Lighting

Walkways not less than three (3) feet wide shall be provided from dependent mobile home spaces to the service buildings. All service roads and walkways within the park should be hard surfaced and lighted at night with a minimum

illumination of at least 0.6-foot candles.

(Ord. 167 (part), 1970)

15.08.140. Parking

Areas shall be provided for the parking of motor vehicles; such areas shall accommodate at least the number of vehicles equal to the number of mobile home spaces provided. No motor vehicles will be permitted to be parked between mobile homes, except for specially designed and constructed parking facilities. On-street parking may be permitted by widening service roads to provide such parking space as follows:

	Road Width in Feet
Parallel parking, one side	30
Parallel parking, two sides	36
45° angle parking, both sides	50
60° angle parking, both sides	55
Perpendicular parking, both sides	60

(Ord. 167 (part), 1970)

15.08.150. Recreation Areas

Each mobile home park containing fifteen (15) or more mobile home spaces shall provide one or more locations, protected from the main highway and from parking areas, for recreational use. The area or areas set aside for such purpose shall be restricted for recreation only and shall contain at least two hundred (200) square feet per mobile home space in the mobile home park.

(Ord. 167 (part), 1970)

15.08.160. Clothes Drying Area

Adequate outside drying space adjacent to the service building, and at least one (1) automatic dryer for each twenty-five (25) mobile home spaces shall be provided in the service building. Umbrella-type drying facilities may be installed on individual mobile home spaces as a part of the basic facilities, provided such drying units are standardized and properly located and installed.

(Ord. 167 (part), 1970)

15.08.170. Fire Protection

Every mobile home park should be equipped with fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the local fire-prevention authority, or to satisfy reasonable fire regulations. Fires shall be made only in stoves, incinerators and other equipment intended for such purpose.

(Ord. 167 (part), 1970)

15.08.180. Animals and Pets

No owner or person in charge of any dog, cat, or other pet animals shall permit it to run at large in the mobile home park. Restricted enclosures for such animals shall be maintained in a sanitary condition at all times.

(Ord. 167 (part), 1970)

15.08.190. Service Buildings

- A. Every mobile home park within fifteen (15) or more mobile home spaces that accommodates only independent mobile homes shall provide sanitary facilities for emergency use in service building or office building. These facilities shall consist of at least one (1) flush-type toilet and one (1) lavatory for each sex.
- B. Business sales in a mobile home park are subject to applicable zoning regulations.
- C. Every mobile home park that accommodates dependent mobile homes shall provide a service building with not less than the following facilities:
 - 1. For not more than ten (10) dependent mobile homes: two (2) flush toilets, one (1) lavatory and one (1) shower or bathtub for females; and one (1) flush toilet, one (1) urinal, one (1) lavatory and one (1) shower or bathtub for males;
 - 2. For more than ten (10) dependent mobile homes, the following additional fixtures shall be provided: one (1) lavatory and one (1) shower or bathtub for each sex for every additional ten (10) dependent mobile homes or fraction thereof; one (1) flush toilet for females for every additional ten (10) dependent mobile homes or fraction thereof; one (1) flush toilet for males for every additional fifteen (15) dependent mobile homes or fraction thereof, provided that urinals may be substituted for not more than one-third (1/3) of the additional toilets required.
- D. Service buildings shall:
 - 1. Be located thirty (30) feet or more from any mobile home space and where dependent mobile homes are accommodated not more than two hundred (200) feet from each dependent mobile home space;
 - 2. Be of permanent construction, and be adequately lighted;
 - 3. Be of moisture-resistant material, to permit frequent washing and cleaning;
 - 4. Have adequate heating facilities to maintain a temperature of seventy degrees (70°) during cold weather, and to supply adequate hot water during time of peak hour demands;
 - 5. Have all rooms well ventilated, with all openings effectively screened;
 - 6. Provide separate compartments for each bathtub or shower and flush toilet, and a sound resistant wall to separate male and female toilet facilities.

(Ord. 167 (part), 1970)

15.08.200. Water Supply

An accessible, adequate, safe, and potable supply of water under pressure shall be provided in each mobile home park, capable of furnishing a minimum of two hundred fifty (250) gallons per day per mobile home space. The number of mobile home spaces to be occupied in a mobile home park shall be limited to the quantity of water available to supply each such mobile home space with minimum requirements. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water

supply to serve the mobile home park shall be made only after express approval has been granted by the health officer, and plans and specifications for the water system have been approved by the administrative official and the State Health Department. In the Town at the option of the owner, he may have individual meters for each unit or may have a master meter to measure the quantity of water used.

(Ord. 167 (part), 1970)

15.08.210. Sewage Disposal

- A. Mobile home park shall be served by a public sewer system. The development of a private disposal system to serve the mobile home park shall be made only after express approval has been granted by the health officer, and plans and specifications for the disposal system have been approved by the administrative official and the State Department of Health. All sewage-disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.
- B. All plumbing in the mobile home park shall comply with state and Town plumbing laws and regulations. Each independent mobile home space shall be provided with at least a three (3)-inch sewer connection. The sewer connection shall be provided with suitable fittings, so that watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home and shall be capped so as to prevent any escape of odors. The mobile home drain shall be watertight and self-draining. This drain shall be constructed of smooth plastic pipe or of other material approved by the Town plumbing code.

(Ord. 167 (part), 1970)

15.08.220. Refuse Disposal

The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided at permanent locations convenient to mobile home spaces, in areas screened by appropriate landscaping features. Incinerators shall not be used for refuse disposal. Methods of storage, collection and disposal are subject to approval of the health officer.

(Ord. 167 (part), 1970)

15.08.230. Electricity

An electrical outlet supplying at least one hundred twenty (120) volts, or 120/240 volts for utility company three-wire meters, shall be provided for each mobile home space. The installation shall comply with all state and Town regulations. Such electrical outlets shall be weather-proof and all power lines and service connections shall be located in safe conduits below the surface of the ground.

(Ord. 167 (part), 1970)

15.08.240. Fuel

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- A. Mobile homes using liquefied petroleum gas for cooking and heating units are subject to inspection for compliance with the state law on liquefied petroleum gas. For the safety of occupants, it shall be the responsibility of the mobile home park owner or operator to insure that no gas heating units in a mobile home are connected or used until such heating units are inspected and approved by the administrative official or his authorized representative.
- B. All piping from outside fuel storage tanks or cylinders to heating units in mobile homes shall be a copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place and shall not be located inside or beneath the mobile home or less than five (5) feet from any mobile home exit.
- C. Oil storage shall be permitted in tanks or containers, not exceeding two hundred eighty (280) gallons in capacity, mounted on an incombustible frame at the rear of the mobile home. Such container shall be vented and provided with a stopcock at the outlet of the container and another stopcock on the fuel line just before it enters the mobile home.

(Ord. 167 (part), 1970)

15.08.250. Alterations and Additions

Porches, cabanas, or awnings, open in the front and on at least one (1) side, may be added to mobile homes. No enclosed addition shall be built onto, nor become a part of any mobile home, without approval of the administrative official and a building permit. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. Skirting of mobile homes is permissible, but such skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents, or create a fire hazard. Racks or stabilizers may be placed under the frame of the home to prevent movement on the springs while under the home is parked and occupied.

(Ord. 167 (part), 1970)

15.08.260. Improvements- -Guarantee of Completion

In order to assure that the improvements in the mobile home park or in the mobile home subdivision are completed according to the Town standards, all of the required improvements for the area to be occupied by the mobile homes shall be installed prior to the issuance of a mobile home park permit or the selling, or renting of a lot. In lieu of such prior construction, the Board of Trustees of the Town may accept a surety bond or certified check sufficient to cover the estimated cost of all required improvements.

(Ord. 167 (part), 1970)

15.08.270. Responsibilities of Park Owner or Operator

- A. Every mobile home park owner or operator shall maintain a register containing a record of all mobile home occupants using the park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for a period of three (3) years. Such register shall contain:
 - 1. The names and addresses of all mobile home occupants stopping in the park;
 - 2. The make, model, and license number of each motor vehicle and mobile home;
 - 3. The state, territory, or country issuing the mobile home license;
 - 4. The dates of arrival and departure of each mobile home;

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5. Classification of each mobile home as dependent or independent.

- B. Every owner, operator, attendant, or other person operating a mobile home park shall notify the local health officer immediately of any suspected communicable or contagious disease within the park. In case of diseases diagnosed by a physician as hazardous to the public welfare, the owner, operator, attendant, or other person operating a mobile home park shall not permit the departure of a mobile home or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection, without approval of the County Health Department.

(Ord. 167 (part), 1970)

15.08.280. Violation- -Penalty

- A. The person to whom a permit for a mobile home park is issued at all times shall operate the park in compliance with this chapter issued thereunder, and shall provide adequate supervision to maintain the park, its facilities and equipment, in good repair and in a clean and sanitary condition at all times. The permit issued by the administrative official shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.
- B. The administrative official may revoke any permit to maintain and operate a mobile home park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this chapter. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.
- C. Any person who violates any provision of this chapter shall upon conviction be punished by a fine of not less than one dollar (\$1.00) or more than three hundred dollars (\$300.00), and each day's failure of compliance with any such provision shall constitute a separate violation.

(Ord. 167 (part), 1970)

15.08.290. Vehicles as a Residence

No person shall use any bus, camper coach, trailer coach, motor home, self-propelled motor home, recreational equipment, or recreational vehicle (collectively referred to as "Prohibited Vehicles") for living, sleeping, or residing; except within a permitted recreational vehicle (RV) park/ campground. This section shall not apply to Prohibited Vehicles used to temporarily house guests of the property on which the vehicle is located, provided the vehicle is located on private residential property and such use does not exceed seven days within any calendar year.

HISTORY

- Original
- Ord. 509, Section 1, 2019

15.08.300. Temporary Residence Permits

- A. As used in this section 15.08.300, the following words will have the meanings indicated:
1. "Applicant" means an individual who is a natural person who owns a Property.
 2. "Construction Activities" means those activities associated with the planned construction, repair, remodeling, or renovation of a Dwelling on a Property.
 3. "Construction Permits" means all necessary and appropriate permits and authorizations from all

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governmental or other authorities having jurisdiction to issue such permits and authorizations with respect to Construction Activities on a Property.

4. "Property" means a parcel of real estate within the Town of Ault, Colorado, with respect to which an Applicant desires to construct, repair, remodel, or renovate a Dwelling.
 5. "Prohibited Vehicle" means any bus, camper coach, trailer coach, motor home, self-propelled motor home, recreational equipment, or recreational vehicle.
 6. "Temporary Residence Permit" means a permit for temporary occupancy of a Prohibited Vehicle.
- B. No person shall use any Prohibited Vehicles for living, sleeping, or residing; except within a permitted recreational vehicle (RV) park/ campground. This section shall not apply to Prohibited Vehicles used to temporarily house guests of the property on which the vehicle is located, provided the vehicle is located on private residential property and such use does not exceed seven days within any calendar year
- C. Any Applicant may obtain a Temporary Residence Permit allowing the Applicant and the Applicant's family to reside in a Prohibited Vehicle on a Property during the period of construction, repair, remodeling, or renovation of a Dwelling on the Property.
- D. The fee for a Temporary Residence Permit shall be \$100.00. This fee may be revised from time-to-time by resolution of the Board in the Board's discretion.
- E. The Town Clerk is hereby authorized and directed to develop an appropriate application form to be submitted by an Applicant when such Applicant wishes to obtain a Temporary Residence Permit.
- F. In order for an Applicant to obtain and hold a Temporary Residence Permit, the following requirements must be met in addition to any others that may be set forth in this section 15.08.300 during the entire period during which the Temporary Residence Permit is effective and valid:
1. The Applicant must own the Property.
 2. The Applicant must pay a fee for the Temporary Residence Permit to the Town Clerk.
 3. The Applicant must have obtained all necessary Construction Permits.
 4. The Applicant must be in lawful possession of the Prohibited Vehicle.
 5. The Property must be served by an existing water tap and an existing sewer tap.
- G. In order to obtain a Temporary Residence Permit, the Applicant shall submit to the Town Clerk an application packet containing the following:
1. A completed application for Temporary Residence Permit.
 2. Proof of Applicant's ownership of the Property.
 3. A description of the Prohibited Vehicle in which Applicant intends to reside, including manufacturer and model number and such other information as the Town Clerk shall determine in his or her sole discretion should be provided to ensure compliance with, and facilitate enforcement of, the terms of this section 15.08.300.
 4. Proof of Applicant's ownership or lawful possession of the Prohibited Vehicle.
 5. Proof, which may include copies of the Construction Permits, (i) that any and all necessary and appropriate permits and authorizations for the Construction Activities on the Property have been obtained and (ii) of the period during which such permits and authorizations are effective.
 6. Proof that the Property is served by an existing water tap and an existing sewer tap.
 7. The applicable fee for a Temporary Residence Permit.
- H. Any Temporary Residence Permit issued under this section 15.08.300 shall immediately and automatically be void in the event any of the Construction Permits expire.

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- I. If any of the Construction Permits are extended, then proof of such extension shall be immediately provided to the Town Clerk by Applicant. Such extension shall be sufficient to extend the term of the Temporary Residence Permit.
- J. If no Construction Permits are necessary or appropriate for the particular Construction Activities, then the term of the Temporary Residence Permit shall end on the earlier of (i) the completion of the Construction Activities or (ii) the second anniversary of the date on which the Temporary Residence Permit was issued.
- K. All waste from any use of a Prohibited Vehicle under a Temporary Residence Permit shall be disposed of by Applicant in a lawful manner.
- L. It shall be unlawful to use a Prohibited Vehicle for living, sleeping, residing, housekeeping, or preparation of food without a Temporary Residence Permit authorizing such use.
- M. The Board of Trustees may in its discretion cancel any Temporary Residence Permit upon receipt of information indicating that there is any violation of the provisions of this section 15.08.300.
- N. Violations of this section 15.08.300 shall be subject to the general penalty provisions of the Ault Municipal Code.
- O. Nothing in this section 15.08.300 shall impair or affect in any way any lawful use of real property as a recreational vehicle park in any recreational vehicle park/ campground.
- P. If any Temporary Residence Permit issued under this section becomes void or otherwise invalid the Applicant shall immediately disconnect any water and sewer hookups to the Prohibited Vehicle.

HISTORY

- Original
- Ord. 509, Section 2, 2019

15.08.310. REPEALED

HISTORY

- Original
- Ord. 509, Section 3, 2019
- Ord. 533, 2021

15.08.320. REPEALED

HISTORY

- Ord. 509, Section 4, 2019
- Ord. 533, 2021

15.08.330. NO TITLE

It is unlawful for any person, association, partnership, or corporation to violate or to fail to comply with any provision of this chapter, and any violation of any provisions of this chapter shall be punished according to Section 1.12.010. Each day any violation of any provision of this chapter continues constitutes a separate offense.

HISTORY

- Ord. 509, Section 5, 2019
- Ord. 540, Section 1, 2023

Chapter 15.10 Floodplain Management

Sections:

- 15.10.010 Title and Purpose
- 15.10.020 Definitions
- 15.10.030 General Provisions
- 15.10.040 Administration
- 15.10.050 Provisions for Flood Hazard Reductions

15.10.010. Title and Purpose

- A. Statutory Authorization. The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.
- B. Findings of Fact.
 - 1. The flood hazard areas of the Town of Ault are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
 - 2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.
- C. Statement of Purpose. It is the purpose of this Ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - 1. Protect human life and health;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. Minimize prolonged business interruptions;
 - 5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
 - 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - 7. Insure that potential buyers are notified that property is located in a flood hazard area.
- D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Ordinance uses the following methods:
 - 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - 4. Control filling, grading, dredging and other development which may increase flood damage;
 - 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which

may increase flood hazards to other lands.

15.10.020. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

100-Year Flood - A flood having a recurrence interval that has a one-percent (1% chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-Year Floodplain The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-(100) year flood.

500-Year Flood A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-Year Floodplain The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial Fan Flooding - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of Shallow Flooding - A Designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement - Any area of a building having its floor sub-grade (below ground level) on all sides.

Channel - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization - The artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) - The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that

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represent broad areas subject to Federal regulation.

Community Any political subdivision in the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR) - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility- A structure or related infrastructure, but not the land on which it is situated, as specified Section H that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Development - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM Database - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) - FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building - A non-basement building (i) built, in the case of a building in

Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Register- The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

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Flood or Flooding- A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or Flood Prone Area - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator - The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit - A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations - Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Control Structure - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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Floodway (Regulatory Floodway) - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six (6) inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboards- The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) - FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee - A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee

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structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee System- A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home- A structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivisions - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean Sea Level- For purposes of the National Flood Insurance Program, the

North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Material Safety Data Sheet (MSDS) - A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

National Flood Insurance Program (NFIP) - FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-Rise Certification - A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-

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backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) - FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational Vehicle - means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area - The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction- The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial Improvement Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum

necessary conditions or

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold Planning Quantity (TPQ) - A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance- A grant of relief to a person from the requirement of this Ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

Violation The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - The height, in relation to the North American

Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

HISTORY

- Original
- Ord. 500, 2017

15.10.030. General Provisions

- A. Lands to Which This Code Applies. The Ordinance shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town of Ault, Colorado.
- B. Basis for Establishing the Special Flood Hazard Area. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Ault, Colorado," dated, with accompanying Flood Insurance Rate Maps and/or Flood Boundary Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Ordinance and may be supplemented by studies designated and approved by the Town of Ault. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection
- C. Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Ordinance.
- D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Ordinance and other applicable regulations. Nothing herein shall prevent the Town of Ault from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water

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Conservation Board and the National Flood Insurance Program.

- E. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. Warning and Disclaimer of Liability.
 - 1. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.
 - 2. This Ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. Severability. This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

15.10.040. Administration

- A. Designation of the Floodplain Administrator. The Town of Ault is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - 1. Maintain and hold open for public inspection all records pertaining to the provisions of this Ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate.
 - 2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Ordinance.
 - 3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - 4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - 5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Ordinance, including proper elevation of the structure.
 - 6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

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7. When Base Flood Elevation data has not been provided the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions Ault Land Use Code as enacted or as amended from time to time.
 8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (1/2) foot at any point within the community.
 9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half (1/2) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
 10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
 11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- C. Permit Procedures. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of the Ault Land Use Code.
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 5. Maintain a record of all such information.
- D. Approval or denial of a Floodplain Development. Permit by the Floodplain Administrator shall be based on all of the provisions of this Ordinance and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others.
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

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6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

E. Variance Procedures

1. The Appeal Board, as established by the Community, shall hear and render judgment on requests for variances from the requirements of this Ordinance.
2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on 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 Ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors of this Article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this Ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance.
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

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- iii. 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, or conflict with existing local laws or Ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
- a. The criteria outlined in the Ault Land Use Code met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Penalties for Non-Compliance. A person who violates the requirements of this chapter shall be punished by a fine of not more than one thousand dollars (\$1000.00), or by imprisonment of not more than one (1) year or by both such fine and imprisonment.

15.10.050. Provisions for Flood Hazard Reductions

A. General Standards. In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards. In all Special Flood Hazard Areas where base flood elevation data has been provided the following provisions are required:

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1. Residential Construction. New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
2. Nonresidential Construction
 - a. With the exception of Critical Facilities, outlined in the Ault Land Use Code construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - b. A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator.
3. Enclosures
 - a. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - b. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes.
 - a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. All manufactured homes placed or substantially improved on sites in an existing manufactured

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home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- i. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one (1) foot above the base flood elevation, or
- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles.

- a. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - i. Be on the site for fewer than one hundred eighty (180) consecutive days,
 - ii. Be fully licensed and ready for highway use, or
 - iii. Meet the permit requirements of the Ault Land Use Code as enacted or amended from time to time, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.
- b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Prior Approved Activities. Any activity for which a Floodplain Development Permit was issued by the Town of Ault or a CLOMR was issued by FEMA prior to July 10, 2013, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Ordinance if it meets such standards.

C. Standards for Areas of Shallow Flooding (AO/AH Zones).

1. Located within the Special Flood Hazard Area are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
 - a. Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three (3) feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
 - b. Nonresidential Construction With the exception of Critical Facilities all new construction and substantial improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three (3) feet if no

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depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section are satisfied.

2. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

D. Floodways. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard within Special Flood Hazard Area are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If Section D (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the Ault Land Use Code.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

E. Alteration of a Watercourse. For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and Ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Town of Ault floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado

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Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of this article.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

F. Properties Removed from the Floodplain by Fill. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. Residential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one (1) foot above the Base Flood Elevation that existed prior to the placement of fill.
2. Nonresidential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one (1) foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

G. Standards for Subdivision Proposals

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements the Ault Land Use Code as enacted and amended from time to time the provisions of this Ordinance.
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant this Ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

H. Standards for Critical Facilities

1. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooding may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

a. Classification of Critical Facilities

- i. It is the responsibility of the Town of Ault to identify and confirm that specific structures in their community meet the following criteria:

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- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.
 1. These facilities consist of:
 - a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - c. Designated emergency shelters;
 - d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - f. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
 2. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
 3. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town of Ault that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Ault on an as-needed basis upon request.
- b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
 1. These facilities may include:
 - a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

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- b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c. Refineries;
 - d. Hazardous waste storage and disposal sites; and
 - e. Above ground gasoline or propane storage or sales centers.
2. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Ordinance, but exclude later amendments to or editions of the regulations
3. Specific exemptions to this category include:
 - a. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
 - b. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
 - c. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
4. These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this article.
- c. At-risk population facilities include medical care, congregate care, and schools.
 1. These facilities consist of:
 - a. Elder care (nursing homes);
 - b. Congregate care serving twelve (12) or more individuals (day care and

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assisted living);

- c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children);
- d. Facilities vital to restoring normal services including government operations.
 1. These facilities consist of:
 - a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).
 2. These facilities may be exempted if it is demonstrated to the Town of Ault that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Ault on an as-needed basis upon request.

2. Protection for Critical Facilities

- a. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Ordinance, protection shall include one of the following:
 - i. Location outside the Special Flood Hazard Area; or
 - ii. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the Base Flood Elevation.
3. Ingress and egress for New Critical Facilities - New Critical Facilities shall, when practicable as determined by the Town of Ault, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

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Title 16 - Land Use

Chapters:

- 16.01 General Provisions
- 16.02 Annexation
- 16.03 Zoning
- 16.04 Subdivisions
- 16.05 Site Plans
- 16.06 Supplementary Regulations
- 16.07 Sign Code

Chapter 16.01 General Provisions

Sections:

- 16.01.010 Title
- 16.01.020 Short Title
- 16.01.030 Authority
- 16.01.040 Jurisdiction
- 16.01.050 Definitions
- 16.01.060 Purpose
- 16.01.070 Interpretation
- 16.01.080 Applicability of Article
- 16.01.090 Relationship to Existing Section and Resolutions
- 16.01.100 Relationship to Comprehensive Plan
- 16.01.110 Effective Date
- 16.01.120 Application Fees
- 16.01.125 Development Impact Fees
- 16.01.130 Development Review Deposit and Reimbursement of Town Costs
- 16.01.140 Severability
- 16.01.150 Computation of Time
- 16.01.160 Grammatical Interpretation
- 16.01.170 Public Hearing and General Notice Provisions
- 16.01.180 Findings

16.01.010. Title

This section establishes the regulations and standards governing the use and development of land within the Town of Ault. Included are provisions for the annexation, subdivision, and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. This section also authorizes establishment by Resolution of the Town of Ault standards for site and building design, landscaping, parking, and public infrastructure.

16.01.020. Short Title

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This section shall be known and may be cited as the Ault Land Use Code. Within this section the Ault Land Use Code shall simply be referred to as "this Code."

16. 01. 030. Authority

- A. This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq. and Title 31, Article 23, et seq. of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- B. Whenever a section of the Colorado Revised Statutes cited in this Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

16. 01. 040. Jurisdiction

- A. This Code shall be effective throughout the Town of Ault's corporate boundaries. The Town's planning jurisdiction includes all land within the Town, and where applicable, the lands within the Growth Management Area as defined in the Ault Comprehensive Plan per C.R.S. § 31-12-105(e)(I). For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries.
- B. A copy of a map showing the boundaries of the Town and the area within the Growth Management Area (as defined in the Comprehensive Plan) planning jurisdiction shall be available for public inspection in the Clerk's office.

16. 01. 050. Definitions

Annexation

Comprehensive Plan

Development Review Team (DRT)

Board of Adjustments

Land Use Application

Metropolitan District

Planned Development Overlay (PDO)

Public Hearing

Public Meeting

Site Plan

Subdivision

Zoning

16. 01. 060. Purpose

The purpose of this Code shall be to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' vision, goals, and objectives as identified in the Comprehensive Plan balanced with protecting the rights of property owners.

16. 01. 070. Interpretation

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or sections, the more restrictive, or that imposing the higher standard, shall govern.

16. 01. 080. Applicability of Article

- A. The provisions of the Ault Land Use Code shall apply to any and all development of land within the municipal boundaries of the Town unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All land use shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code. Municipal and public works construction and development shall be exempt from the process defined in this Code.
- B. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be excavated, erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot, or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- C. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever is more restrictive shall govern.
- D. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.

16. 01. 090. Relationship to Existing Section and Resolutions

All sections, Resolutions or motions of the Board of Trustees, or parts thereof, in conflict with this Code are to the extent of such conflict hereby superseded and repealed, provided that no such repeal shall repeal the clauses of such section, Resolution or motion, nor revive any section, Resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous sections that occurred while those sections were in effect...

16. 01. 100. Relationship to Comprehensive Plan

- A. It is the intention of the Town that this Code implements the planning policies adopted in the Comprehensive Plan and its Growth Management Area. While this relationship is reaffirmed, it is the intent of the Town that neither

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this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

- B. Requirement for Comprehensive Plan Amendment. Where a development proposal is not in conformance with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. Conformance exists when a development proposal matches the designations of the land use sections within the Comprehensive Plan.
- C. Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

16. 01. 110. Effective Date

The provisions of this Code shall become effective upon passage by the Board of Trustees. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of the Ault Municipal Code.

16. 01. 120. Application Fees

Application fees for all annexation, zoning, and development applications will be paid per the adopted Town fee schedule. The fee schedule may be revised and adopted annually by a Board Resolution and is available from the Town Clerk.

16. 01. 125. Development Impact Fees

A. Intent.

This ordinance is enacted to establish the mechanism for the imposition of development impact fees to finance the capital costs of acquiring, establishing, upgrading, expanding and constructing public facilities that are necessary to accommodate such development. This ordinance is intended to assure that development bear an appropriate share of the cost of capital expenditures necessary to provide such public facilities within the Town of Ault and its service area as are required to serve the needs arising out of development. Therefore, it is the intent of this ordinance to accomplish the following:

1. Implement and be consistent with the Ault Area Comprehensive Plan and allocate a fair and equitable share of the cost of public facilities to new development;
2. Require new development to contribute its proportionate share of funds necessary to accommodate its impact on public facilities having a rational nexus to the proposed development, and for which the need is attributable to the proposed development.

B. Findings.

The Board of Trustees makes the following findings based on extensive consultation with all municipal departments, the recommendations of the System Development Fee Task Force, testimony offered at the public hearing and careful study of municipal facility needs.

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1. The Town of Ault is responsible for and committed to the provision of public facilities and services at levels necessary to support residential and non-residential growth and development.
2. Such facilities and services have been and will be provided by the Town utilizing funds allocated at the direction of the Board of Trustees.
3. The growth experienced by the Town in recent years and projected growth rates require an excessive expenditure of public funds to maintain adequate facility standards.
4. Each type of land development described in this Ordinance will create a need for the construction, equipping, or expansion of public capital facilities.
5. The imposition of development impact fees is one preferred method of ensuring that public expenditures are not excessive, and that development bears a proportionate share of the cost of public capital facilities necessary to accommodate such development. This must be done to promote and protect the public health, safety and welfare.
6. The fees established by Section 16.01.125 are derived from, are based upon, and are calculated not to exceed the costs of:
 - a. Providing additional public capital facilities required by the new land developments for which they have levied the fees; or
 - b. Compensating the Town of Ault for expenditures made for existing public facilities that they constructed in anticipation of new growth and development.

C. Applicability and Rules of Construction.

1. This ordinance shall be uniformly applicable to all new development that occurs within the corporate boundaries of the Town of Ault. All street, storm drainage, and parks, recreation, trails, and open space fees inconsistent with this ordinance are hereby repealed and replaced. However, all required dedications under the Ault Municipal Code shall remain in full force and effect.
2. The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.
3. For the purposes of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:
 - a. In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative tables, the text shall control.
 - b. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - c. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - d. The phrase "used for " includes "arranged for," "designed for," "maintained for," or "occupied for.
 - e. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - f. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, Or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows: "And" indicates that all connected terms, conditions, provisions or events shall apply.
4. "Or" indicates that the connected terms, conditions, provisions or events may apply singly or in any combination.
5. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in

combination.

6. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances alike kind or character.

D. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Assessment" means a determination of the amount of a development impact fee.
2. "Capital equipment" means equipment and furnishings with an expected life of at least five years and an aggregate value of at least \$10,000.
3. "Capital improvement" means any of the following facilities that have a life expectancy of ten or more years and are owned and operated by or for a municipality:
 - a. Storm water, drainage and flood control facilities;
 - b. Roadway facilities located within the service area, including roads, bridges, bike and pedestrian trails, bus bays, rights-of-way, traffic signals, landscaping and any local components of state and federal highways;
 - c. Parks, recreation buildings, outdoor recreational areas, open space, trails and related areas and facilities.
4. "Connection fee" means a reasonable fee for connection of a service line to an existing water, sewer or municipal utility.
5. "Development impact fee" means a charge or assessment imposed by the Town on new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions required by and attributable to the new development. The term includes amortized charges, lump sum charges, capital recovery fees, contributions in aid of construction, development fees and any other fee that function as described by this definition. The term does not include connection fees, dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, streets, sidewalks or curbs if previously approved agreements between the developer and the Town require the dedication or construction and is required by and attributable to the new development.
6. " Dwelling unit (du)" means one (1) or more rooms in a dwelling for occupancy by one (1) family for living or sleeping purposes and having not more than one (1) kitchen.
7. "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, so the existing facility may serve new development. The term does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development, including schools and related facilities.
8. "Fee" means a development impact fee.
9. "Fee payer" means a person applying for the issuance of a building permit, subdivision or site plan approval, variance or other local land use decision that will create new development.
10. "Land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period.
11. "New Development" means any activity that results in a net increase in the demand for additional public capital facilities, as defined in this Chapter:
 - a. The creation of a new dwelling unit, except the replacement of existing units of the same size and density;
 - b. A net increase in the gross floor area of any nonresidential building Or in the habitable portion of a

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residential building;

- c. The conversion of a legally existing use to another permitted use if such change of use would create an increase in the demand for additional public facilities, as defined by this ordinance.
12. "New Development" does not include:
 - a. The reconstruction of a structure that fire or natural disaster has destroyed if there is no change nor change of use in the size and density of the structure;
 - b. The replacement of a mobile home; or
 - c. The construction of an accessory structure that would not increase the demand for facilities by the principal structure.
 13. "Public capital facilities" means the undivided interest of the Town of Ault in the assets, facilities, and equipment owned and operated by the Town of Ault or cooperatively with other governmental entities that have a useful life of no less than five years.
 14. "Public capital facilities" do not include the costs associated with the operation, maintenance, repair of such facilities or with facility replacements that do not increase the capacity or level of service, but does include reasonable cost for planning, engineering, design, land acquisition, and other reasonable costs associated with such facilities.
 15. "Qualified professional" means a professional engineer, surveyor, financial analyst, planner or other person providing services within the scope of his license, education or experience.
 16. "Roadway facilities" mean arterial or collector streets or roads including bridges, bike and pedestrian trails, bus bays, rights-of-way, traffic signals, landscaping at any local components of state or federal highways.
 17. "Service area" means the area within the corporate boundaries or extraterritorial jurisdiction of a municipality to be served by the capital improvements or facility expansions specified in the capital improvements plan based on sound planning and engineering standards.
 18. "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions.
 19. "Town Administrative Official" means the Town Clerk appointed by the Board of Trustees or the municipal officials that he or she may designate to only out the administration of this ordinance.

E. Imposition of Development Impact Fees.

1. Any person, who, after the effective date of this Chapter seeks to undertake new development within the Town of Ault is hereby required to pay development impact fees in the manner and amount set forth in Section 6 of this Chapter.
2. No new building permit or new permit for any activity requiring payment of a development impact fee pursuant to Section 6 of this Chapter shall be issued unless and until the development impact fee hereby required has been paid.

F. Computation of the Development Impact. Fee.

1. The amount of the development impact fee has been determined by the Town Board based on the most recent available cost and value of infrastructure, population, and capacity information.
2. In the case of new development created by a change of use, redevelopment, or expansion or modification of an

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existing use, the development impact fee shall be based upon the net positive increase in the development impact fee for the new use as compared to that which was or would have been assessed for the previous use.

Schedule of Development Impact Fees

Development Impact Fee	Residential	Nonresidential
Storm water drainage	\$1,000	Minimum residential fees up to actual impact of project on a case to case basis
Parks, trails, and recreation	\$1,000	
Transportation/street and road	\$2,000	

G. Payment of Fee.

1. The fee payer shall pay the development impact fee required by this Chapter to the Town of Ault before issuance of a building permit or other permit required for a proposed new development.
2. All unpaid fees shall constitute a lien on the property and will be collected in the same manner as uncollected property taxes as provided by law.

H. Appeals.

1. Any aggrieved party may appeal to contest the amount, collection or use of the development impact fee in the manner provided herein.
2. It shall be a condition to the commencement of such an appeal that the development impact fee from which the developer appeals shall be paid as and when the fee becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.
3. The only questions appealable under this section are the following:
 - a. The amount of the fee charged and paid by the developer;
 - b. The method of collection of the development impact fee;
 - c. The use to which the particular fee paid by the developer is made by the Town.
4. Appeals must be brought within 30 days of the date the development impact fee is payable.
5. The appellant shall pay a filing fee of \$200 at the time of filing of the appeal. They shall file the notice of appeal with the Town Clerk.
6. Following the filing of the notice of appeal, the Town Clerk shall compile a record of the ordinance imposing the development impact fee that is the subject of the appeal and a record of the management and expenditure of the proceeds of the development impact fee, and shall transmit these documents to the Board of Trustees. In consultation with the Town departments, the Town Clerk shall also compile a report on each appeal in which the appellant is seeking a reduction or total refund in the development impact fee paid. This report shall specify the fiscal impact on the Town if the appeal overturns the development impact fee. If the fiscal impact report indicates that the appeal, if successful, will cause a revenue shortfall that otherwise was not budgeted with respect to the public facility, and if this revenue shortfall cannot be reconciled by reduction in impacts caused by development on the appellant's property, the report shall estimate whether it will be necessary for the Town to adjust development impact fees, or amend existing ordinances, to recover the proposed revenue shortfall.
7. The appellant shall prepare and submit to the Board of Trustees, an independent fee calculation study for the new development activity that they propose. The appellant shall pay all costs incurred by the Town for the review of

such study.

8. The Board of Trustees shall hold a public hearing on the appeal at its earliest convenience, preceded by a notice published as provided by law not less than fifteen (15) days preceding the date of the hearing, providing fair opportunity for the appellant to be heard. The burden shall be on the appellant to establish illegality or impropriety of the fee from which they have taken the appeal. Following the close of the public hearing, the Board of Trustees shall deliberate upon the matter, and shall conduct such studies and inquiries as it deems appropriate to decide the appeal. The Board shall render their decision on the appeal within thirty (30) days of the hearing, unless such time is extended by mutual consent of the Board and the appellant.
9. If the Board of Trustees determines that the appeal has merit, it shall determine appropriate remedies. These may include reallocation of the proceeds of the challenged development impact fee to accomplish the purposes for which the fee was collected, refunding the development impact fee in full or in part, along with interest collected by the Town thereon, or granting the appellant the opportunity to make the development impact fee payment in installments, or such other remedies as in its sole judgement it deems appropriate in a particular case.

I. Administration of Funds Collected

1. Interest earned on development impact fees shall become part of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this Chapter.
2. Money from fees may be spent only for the purposes for which the fee was imposed as shown by the capital improvements plan and as authorized by this Chapter.
3. The Town Treasurer shall have custody of all fee accounts, and shall pay out the same only upon written orders of the Board of Trustees.
4. The Town Treasurer shall record all fees paid, by date of payment and the name of the persons making payment, and shall maintain an updated record of current ownership, tax map and lot reference number of properties for which fees have been paid under this Chapter for at least ten (10) years.
5. As part of its annual audit process, the town shall prepare an annual report describing the amount of any development impact fees collected, encumbered and used during the preceding year by category of capital improvement, service area and payee.
6. Funds withdrawn from the development impact fee accounts shall be used solely for acquiring, constructing, expanding or equipping those public capital facilities identified in this Chapter.
7. If bonds or similar debt instruments have been issued for public capital facilities constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Chapter, development impact fees may be used to pay debt service on such bonds or similar debt instruments.

J. Credits.

1. Land and/or public capital facility improvements may be offered by the fee payer as total or partial payment of the required development impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Board of Trustees. If land or improvements are offered as payment, an independent appraisal acceptable to the Board shall determine the value of such land or improvements. The Board of Trustees, in its sole discretion, may authorize the fee payer a development impact fee credit in the amount of the value of the contribution.
2. Any claim for credit must be made no later than the time of application for the building permit.

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3. Credits shall not be transferable from one project of development to another without written approval of the Board of Trustees.
4. Credits shall not be transferable from one component of the public capital facility's development impact fee to any other component of this fee.
 - a. Determinations made by the Board of Trustees pursuant to the credit provisions of this section are made at their sole discretion. A description, which a qualified professional shall prepare, of all or the parts of the capital improvements or facility expansions and their costs required by and attributable to new development in the service area based on the approved land use assumptions;
 - b. The projected demand for capital improvements or facility expansions required by new service units accepted over a reasonable period of time, not to exceed ten years; and
 - c. Anticipated sources of finding independent of development impact fees.
5. The analysis required in subsection (1) b. of this section may be prepared on a system-wide basis within the service area for each major category of capital improvement or facility expansion for the designated service area.
6. The Board of Trustees is responsible for supervising the implementation of the capital improvements plan in a timely manner.

K. Additional Assessments.

Payment of a development impact fee does not restrict the Town in requiring other payments from the fee payer, including such payments relating to the cost of the

extensions of water and sewer mains or the construction of roads or streets or turning lanes to access the site or other infrastructure and facilities specifically benefiting the development as required by the land use review regulations contained in Chapter 16 of the *Ault Municipal Code*.

L. Premature and Scattered Development.

Nothing in this Chapter shall be construed to limit the existing authority of the Board of Trustees to provide against development that is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Ault land use regulations.

M. Review.

The Board of Trustees shall review the Development Impact Fee Schedule annually. Such review may result in recommended amendments in one or more of the fees based on the most recent data as may be available from the Bureau of the Census, local property assessment records, market data reflecting interest and discount rates, current construction cost information for public capital facilities, etc. The Board of Trustees shall approve amendments, following public hearings called for that purpose, no more frequently than annually, based on such data. Any amendment shall be by ordinance, adopted in the same manner as this Development Impact Fee Schedule."

16.01.130. Development Review Deposit and Reimbursement of Town Costs

Fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning or zoning amendments, site plans, annexations, plan approvals, sign permits, variances, and other administrative relief. In addition to the standard fees, the applicant and the owner of the

property which is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning. The Town shall require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits are to cover costs, and are separate from fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the applicant or the property owner has failed to deposit the funds to cover the Town's cost of review.

Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the Town shall be refunded to the applicant. The Town may certify to the Treasurer any amount due pursuant to this paragraph as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the Town.

16. 01. 140. Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses, or phrases be declared invalid.

16. 01. 150. Computation of Time

- A. In computing a period of days, the first day is excluded and the last day is included.
- B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

16. 01. 160. Grammatical Interpretation

- A. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- B. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.
- C. The word "lot" shall include the words "building site," "site," "plot," or "tract."
- D. A "building" or "structure" includes any part thereof.
- E. Words used in the present tense include the future tense.

16. 01. 170. Public Hearing and General Notice Provisions

- A. Specific Purposes.
 - 1. Legislative public hearings are open meetings conducted by local Boards to gather information from the public and to survey public opinion as part of the local rule-making process. Quasi-judicial public hearings are for public bodies to hear evidence and determine facts necessary for their action on particular matters. Public hearings may be required by either Colorado Statutes or this Code, and will be conducted before the Planning Commission, the Board of Trustees or the Board of Trustees acting as the Board of Adjustment as

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appropriate. Public hearings will be conducted under the following general conditions:

- a. Before reviewing an application for a permit that requires a public hearing, said hearing shall be scheduled within a reasonable time as allowed by the schedules of Town officials and staff. The Town Administrator or staff, as delegated, is responsible for the scheduling of all public hearings.
- b. Subject to Section 3 below, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments.
- c. The Board of Trustees, Planning Commission or Board of Adjustments conducting the hearing may place reasonable and equitable limitations on the presentation of evidence, arguments, and the cross-examination of witnesses. Hearings may be either quasi-judicial in nature or legislative, and the procedure utilized shall be appropriate to the classification of the hearing.

B. Public Notice Requirements.

1. The Town shall give notice of any public hearing required as provided below. The applicant shall be responsible for all costs of such notice.
 - a. Where required by statute or this Code to give notice to surrounding property owners, notice shall be given by mailing a written notice no later than fifteen (15) days (unless otherwise specified by this Code or state statute) before the hearing to those persons who have listed for taxation any real property located within three hundred feet (300') of the lot, parcel or property area that is the subject of the application or appeal
 - b. Where required by statute or this Code to give notice to other interested property owners such as mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies notice shall be given by mailing a written notice no later than fifteen (15) days (unless otherwise specified by state statute) before the hearing.
 - c. Where required by statute or this Code to give notice to other parties of interest or referral agencies, notice shall be given by mailing a written notice no later than fifteen (15) days (unless otherwise specified by state statute) before days before the hearing.
 - d. Where required by statute or this Code to give notice of annexation hearings to special districts, school districts and Weld County Commissioners and the Weld County Attorney, notice shall be given by a certified mailing of a written notice no later than twenty-five (25) days before the hearing unless a longer period is provided by state statute or this Code.
 - e. If notice by posting of the property is required by statute or this Code, such notice shall occur by prominently posting signs on the property that is the subject of the proposed action. Such signs shall be posted no less than fifteen (15) days (unless otherwise specified) prior to the hearing and shall be easily visible from the nearest public property or street. Signs shall be in the format available from the Town.
 - f. Posting shall be required for all properties seeking annexation, zoning, rezoning, or subdivision approvals and any amendments to such approvals. No posting shall be required for lot line adjustments.
 - g. Signs shall be posted by the Town.
 - h. The Town Clerk shall give notice of any public hearing required as follows:
 - i. Notice shall be given to potentially interested persons by publishing a notice one (1) time in a newspaper having general circulation in the area not less than fifteen (15) days (unless otherwise

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specified by state statute) prior to the hearing.

2. This notice shall state the date, time and place of the hearing, reasonably identify the lot, parcel or property that is the subject of the application or appeal, and give a brief description of the action requested or proposed. Proof of publication shall be made part of the record at the time of the public hearing.

C. Hearing and Notification Requirements. Listed below are the notification requirements in the Town. Abbreviations used below include CRS (Colorado Revised Statutes) and Hearing (Public Hearing). Notice format may be established by the Town consistent with any provisions of the Colorado Revised Statutes. Mailed notices identified below may include notice of both the Planning Commission and Town Board meeting/hearings as appropriate.

(See Table 16.01.170.01)

D. Modification of Application at Hearing.

1. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Trustees, Planning Commission or Board of Adjustment, the applicant may agree to modify his or her application, including the plans and specifications submitted.
 - a. Unless such modifications are so substantial or extensive so as to materially change the plans, the Board of Trustees may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Town for review and approval as an administrative act.

E. Hearing Continuations.

1. The Board, Commission or Board of Adjustment may continue the hearing to a subsequent meeting at a certain date and time or may close the hearing and continue the meeting to deliberate the issues until a final decision is made. If a hearing is continued to a certain date and time, no further notice of a continued hearing or meeting need be published.

F. Record.

1. A recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town Clerk.

Table 16.01.170.01 Hearing and Notification Requirements				
	Process	Publication	Mailed Notice	Post Sign
Annexation 16.02	Before Planning Commission as regular agenda item. Public Hearing Before Town Board per CRS 31-12-108	4 successive weeks starting at least 30 days prior to Statutory Hearing.	Yes - hearing fifteen (15) days prior. Special Districts/Mineral owners twenty-five (25) days prior	Yes - no less than fifteen (15) days prior to Statutory Hearing.
Zoning 16.03	Before Planning Commission as regular agenda item. Public Hearing before Town Board	No less than 15 days prior to Public Hearing	Yes	Yes - no less than 15 days prior to Public Hearing.
Conditional Use or Special Use Review 16.03.050	Before Planning Commission as a regular agenda item. Public Hearing before Town Board	No less than 15 days prior to the Public Hearing	Yes	Yes - no less than 15 days prior to Public Hearing.

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Table 16.01.170.01 Hearing and Notification Requirements				
	Process	Publication	Mailed Notice	Post Sign
Zoning Amendment 16.03.090	Before Commission as regular agenda item. Public Hearing before Town Board	No less than 15 days prior to Public Hearing.	Yes	Yes - no less than 15 days prior to Public Hearing
Planned Development Overlay (PDO) 16.03.045	Submitted and processed simultaneously with initial zoning application or subdivision application.	No less than 15 days prior to Public Hearing.	Yes	Yes -no less than 15 days prior to Public Hearing.
Minor Replat 16.04.070	Review before the DRT with final review and approval by the Planning Commission and Town Board.	No	No	No
Preliminary Plat 16.04.050	Public Hearing before Planning Commission - final approval by Town Board	No less than 15 days prior to Commission Hearing.	Yes - Mineral estates to be noticed as well	Yes - no less than 15 days prior to P.C. hearing.
Final Plat 16.04.060	Public Hearing before Planning Commission - final approval by Town Board	No less than 15 days prior to Commission Hearing.	Yes - Mineral estates to be noticed as well	Yes - no less than 15 days prior to P.C. hearing.
Comprehensive Plan Amendment 16.03.090	Public Hearing Before Planning Commission before its recommendation to the Town Board for final approval	No less than 15 days prior to Planning Commission hearing.	Yes - to surrounding governmental and quasi-governmental agencies no less than 15 days prior to P.C. hearing.	No
Appeals 16.03.070	Board of Adjustment (BOA) as Quasi-judicial hearing.	Not Required.	Not Required	Not Required
Site Plan 16.05	No hearing required. Open meeting with public comment before Planning Commission, recommends final action to Town Board.	Not required.	Yes to referral agencies (if applicable) and to mineral owners and property owners within 300 feet	Yes - Not Less than five (5) days before Planning Comm. Review
Home-Based Business (Home Occupation) 16.03.110	Meeting with public input before Planning Commission not less than 21 days from filing of application.	Not required	Yes at least 5days prior to Planning Commission meeting	No

16. 01. 180. Findings

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- A. On every Land Use Application in which the Town Board of Trustees will be acting in a quasi-judicial manner, such body shall pass a Resolution making findings of fact in support of its' decision to approve or deny any project or variance. The findings should include at least the following:
1. That the Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).
 2. That the proposed (development/variance) is "located in the [Insert Actual Zone] zoning district".
 3. That the proposed use is within the uses authorized for the proposed location.
 4. That based upon the evidence presented by the applicant and the reports of Town staff;
 - a. The proposal is consistent with the Comprehensive Plan.
 - b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent Developed Agreement.
 - c. The impact on the neighborhood is/is not acceptable in light of the benefits to be obtained by the granting of the application.
 5. That the application/variance shall/shall not be subject to future review or revocation. (If so, when and under what conditions?)
 6. (If approved) That staff is authorized to prepare a Development Agreement for Board approval consistent with their findings.

Chapter 16. 02 Annexation

Sections:

- 16. 02. 010 Purpose
- 16. 02. 020 Annexation Agreement
- 16. 02. 030 Policy and Review Criteria
- 16. 02. 040 Annexation Application
- 16. 02. 050 Annexation Map Technical Standards
- 16. 02. 060 Annexation Process
- 16. 02. 070 Public Hearing Notice
- 16. 02. 080 Post-Approval Actions

16. 02. 010. Purpose

The purpose of this chapter is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965 (Act), as amended. The provisions of this chapter shall not apply to property owned by the municipality, annexation of which must meet only the requirements of Colorado Statutes. This chapter, in part, provides supplemental requirements for annexation pursuant to the Act, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that Act, or any requirements set forth in other portions of the Ault Land Use Code. In the event of a conflict between the Act, the provisions of this chapter or any requirements set forth in other portions of the Ault Land Use Code, it is the expressed intent of the Town Board that the more stringent provision shall control.

16. 02. 020. Annexation Agreement

As appropriate to the particular property, an annexation agreement may be requested either by the petitioner, town

staff, or an appointed or elected official of the Town of Ault. Should the applicant request an annexation agreement, such applicant shall make such request in writing to the Town Attorney, and such agreement shall be presented to the Town Board at the public hearing as part and parcel of the annexation request.

16.02.030. Policy and Review Criteria

It shall be the general policy of the Town with respect to annexations, the annexation application, and the consideration of annexation petitions that:

- A. Annexation is a discretionary act. With the exception of a petition initiated by the Town for the annexation of an enclave, the Town Board shall exercise its sole legislative discretion in the annexation of territory to the Town. By initiated Ordinance, involuntary annexations can only be accomplished after voter approval, so the provisions of this section apply to voluntary annexations and those that have been voter approved.
- B. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan and to the land uses depicted on the future land use map, as amended.
- C. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities may include, but not by way of limitation, streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.
- D. The petitioner for annexation shall be responsible for paying application fees and the Town's full cost for processing the annexation applications and petition; from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.
- E. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
- F. To the extent allowed by law or possessed by landowner, all subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.

16.02.040. Annexation Application

- A. The annexation application submitted by the applicant shall include at least the following:
 - 1. Letter of Intent. The applicant shall provide a letter of intent addressed to the Board to serve as a cover letter to the formal petition, introducing the applicant(s) to the Board, requesting annexation of the petitioner's property, and describing the development plans for the property, if it is annexed.
 - 2. Land Use Application Form. The Town's land use application form shall be completed, signed, and dated. The application fee and deposit as provided by this Code must be included.
 - 3. Annexation Petition. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107 as amended. The Town will provide the applicant with the standard form of this petition. One (1) original and one (1) electronic copy of the Annexation Petition shall be submitted to the Town.
 - 4. Cost Agreement for Payment of Development Review Expenses. The application shall be accompanied by a signed standard form agreement for the payment of development review expenses incurred by the Town and the appropriate deposit of funds.

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5. Annexation Map. Paper copies of the annexation map at twenty-four by thirty-six inches (24 x 36") and reductions sized at eleven by seventeen inches (11 x 17") are to be provided with the initial submittal. The annexation map(s) shall comply with all technical drawing requirements contained in this Code and the policies of the Town. The map shall be accompanied by a written legal description of the property including an electronic version in word format. The Town shall determine the number of copies needed.
6. Title Commitment. The applicant shall submit proof of ownership in the form of a current title commitment issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than thirty (30) days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.
7. Property Tax Statement. A copy of the prior year's property tax statement and paid receipt for all property to be annexed.
8. Mailing labels for Weld County, special districts, school districts, irrigation companies, mineral interest owners, and adjacent property owners. The applicant is to provide mailing address labels as required by this chapter.
9. Zoning of Property to be Annexed. Zoning is requested simultaneously with annexation; the petitioner must submit a completed zoning application form including a zoning map for the property. If zoning is approved, the applicant must amend the official zoning map and pay all application, mapping and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Ault's Land Use Code and Zoning Map within ninety (90) days of the completion of the annexation process.
10. Annexation Assessment Report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to fully explain the needs, concepts and proposed solutions for each of the following:
 - a. The economic impact to the municipality of the proposed annexation;
 - b. The school impact including an estimated number of students to be generated by development of the property;
 - c. The anticipated sources of water, sanitary sewer and other utilities to be used to serve the property. The impact on the water and sanitary sewer systems anticipated to serve the property;
 - d. The impact on the existing transportation system;
 - e. The compatibility of the proposed development with the Ault Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
 - f. A review of existing and adjacent land use areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.

16.02.050. Annexation Map Technical Standards

- A. The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible, and reproducible document. Inaccurate, incomplete, or poorly drawn maps shall be rejected.
1. The annexation map shall be an original drawing on a twenty-four by thirty-six inch (24" x 36") flat, splice less, tapeless and creaseless sheet(s) of double matte Mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer-generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (½) inch on three (3) sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.
 2. The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one percent (1%). Acceptable scales are 1" =50' or 1" =100'. For annexations exceeding one hundred (100) acres and acceptable scale is 1" =200'. In special instances a different scale may be used if approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identifies each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
 3. The title shall be centered at the top of the sheet, along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, __th P.M., Town of Ault, Weld County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names. **(Figure 16.02.050.01 - Annexation map template)**
 4. There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner and surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials, and the electronic drawing file name (matching the AutoCAD drawing file provided to the Town).
 5. Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points, and symbols, a double-headed north arrow designated as true north and a written and graphic scale.
 6. Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be a statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
 7. Immediately following the ownership certificate, there shall be a Surveyor's Certificate, signed, dated, and sealed by a licensed surveyor or engineer.
 8. Immediately following the Surveyor's Certificate, there shall be a certificate block for the Mayor's signature after Board approval.

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9. Immediately following the Board's approval and Mayor's signature, there shall be a recording certificate block for the Town Clerk.
10. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two (2) mile radius superimposed on a current USGS Topographical Map, maintaining the same scale shall be placed on the left side of the annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
11. The annexation map drawing shall contain the following:
 - a. Show the outline of area to be annexed with boldest line.
 - b. For all references, show book, page, map number, etc., and place where publicly recorded.
 - c. Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those, which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the annexation map.
 - d. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: ///////////////).
 - e. Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.
 - f. Provided a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.
 - g. Show the location of each ownership tract in un-platted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.
 - h. Show the names and locations of all abutting subdivisions. The locations of all abutting un-platted parcels and public lands shall be depicted and designated as such.
 - i. The ownership identity of all mineral rights shall be designated on the map.
 - j. Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and

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- identified. If an easement shown on the annexation map is for record, its recorded reference must be given.
- k. All lines, names and descriptions on the annexation map, which do not constitute a part of the annexation, shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
 - l. Accurately locate 100-year floodplains, all existing watercourses, streams, lakes, or inlets on the affected property.
 - m. Show clearly the length and bearing of all lines described in the written description.
 - n. Show section numbers, quarter section quadrants, township and range lines, and label each.
 - o. Show all lines, calls, arcs, etc., described in written description.
 - p. Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as "See Detail A."
 - q. Show "Point of Beginning" in bold letters with an arrow.
 - r. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
 - s. A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing Town boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
12. An AutoCAD™ drawing file (release 2007 or higher) of the annexation map(s) and title sheets and all fonts used shall be provided electronically. If multiple maps are used, one drawing file must combine all the parts into one (1) map showing the entire annexation. AutoCAD™ drawing files of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.
13. A word processing file of the legal description for the annexation and all submittal narratives shall be provided electronically as a word document.

Figure 16.02.050.01 - Annexation map template.

*NEW ANNEXATION
TO THE TOWN OF AULT, COLORADO
A Part of the xx of Section xx, Township _ North,
Range __ West, __th P.M., Town of Ault, Weld County, Colorado
xx.xx Acres*

16.02.060. Annexation Process

- A. Annexation applications shall be processed and considered as follows:
- 1. Step 1: Annexation Pre-application Conference. The application process begins with a pre-application conference with the Development Review Team or its designated representative(s) to determine the feasibility of the annexation request. Following this meeting, the applicant may submit a Letter of Intent requesting annexation, the annexation application, and petition as described in this section, the completed annexation application form, maps and supporting documents as determined at the pre-application conference. The Town Clerk will provide all applicants with a checklist identifying the form and number of copies for each submittal.
 - 2. Step 2: Annexation Application. An annexation application is necessary for the Town to evaluate the impacts on the Town of annexing the property identified in the application and to negotiate an annexation

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agreement. The annexation application must be complete and accompanied by the required cost deposit set by the Town fee schedule.

3. Step 3: Town Evaluation of Annexation Application. Town staff shall analyze the feasibility of annexing the proposed property, including but not limited to, the ability to serve with streets, water, sewer, storm sewer, parks and recreation, schools, police and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development; and other related matters.

B. Annexation petitions shall be processed and considered as follows:

1. Step 1: Annexation Petition Certification and Completion. The petition for annexation and all other documents submitted shall be reviewed by staff for completeness and compliance with the provisions of the Act and the Code. The applicant shall be notified within ten (10) working days of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed, nor referred to the Town Board for a determination of substantial compliance.
2. Step 2: Annexation Petition Referral to Town Board. Upon staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Act and the Ault Land Use Code, the Town Clerk shall notify the applicant and refer the petition to the Town Board.
3. Step 3: Initial Determination of Apparent Compliance. The Town Board shall take the appropriate steps to determine if the petition alleges facts which, if true, would make the application in substantial compliance with the Act.
 - a. If the petition is found to be facially in substantial compliance with the Act, the Town Board may, by the adoption of a Resolution of substantial compliance, set the annexation and zoning for public hearing on a specified date, time, and place, not less than thirty (30) days nor more than sixty (60) days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108.
 - b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the determination shall be made by Resolution of the Town Board.
 - c. If the Town Board, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by Resolution.
4. Step 4: Annexation Impact Report. An annexation impact report conforming to C.R.S § 31-12-108.5, as amended, is required for areas of ten (10) or more acres and will be completed by Town staff and submitted to the County Commissioners as required by C.R.S. 31-12-108.5 at least twenty days prior to the scheduled hearing.
5. Step 5: Planning Commission Review and Recommendations. The Planning Commission shall review, as a regular agenda item, the annexation application at a regular or special meeting to be held prior to the date of the public hearing before the Town Board. The Commission will make a recommendation by motion to the Town Board regarding the overall annexation of the property to the Town. The Commission motion may be to recommend approval, approval with conditions or denial of the annexation. At this same meeting, the Commission may also review the requested zoning of the property. Notice of the Commission review of zoning shall be given in accordance with the requirements for an amendment to the zoning map. The Planning Commission shall recommend to the Town Board approval with or without conditions, or recommend denial of the requested zoning.
6. Step 6: Town Board Public Hearing and Action on the Annexation.
 - a. The Town Board shall hold the public hearing on the petition for annexation, and zoning, if requested

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in conjunction with the annexation. The petitioners may present evidence in support of the petition, and zoning if applicable. Town staff shall present findings related to the elements required by statute to be present for annexation and any comments received from governmental entities affected by the annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Town Board. The Town Board may continue the hearing to another date without additional notice as provided by applicable law. At the conclusion of the public hearing, the Town Board shall adopt a Resolution containing findings of fact and conclusions, including:

- i. Whether or not the requirements of C.R.S. § 31-12-104 and 105 and this section have been met;
 - ii. Whether or not additional terms and conditions are to be imposed; and
 - iii. Whether or not an election is required, either as a result of a petition for election or the imposition of additional terms and conditions.
- b. If the Town Board finds that the area proposed for annexation does not comply with the requirements of C.R.S. § 31-12-104 and 105, the annexation proceeding will be terminated.
- c. If the Town Board finds the following:
- i. The annexation is in compliance with the requirements of C.R.S. § 31-12-104 and 105;
 - ii. That an election is not required under C.R.S. § 31-12-107 (2);
 - iii. No additional terms and conditions are to be imposed by the Town (except as may have been agreed to in an annexation agreement between the parties prior to such approval);

The Town Board may proceed to annex the land by Ordinance without election and approve any annexation agreement. The zoning of the property, if requested with annexation, shall be approved by separate Ordinance.

16.02.070. Public Hearing Notice

- A. Notice of the public hearing for annexation set by the Resolution of substantial compliance shall be published and given to the real property owners, mineral estates and their lessees, the County and to any special district or school district having territory within the area to be annexed in accordance with Colorado law. The hearing shall be held no less than thirty (30) days or more than sixty (60) days after the effective date of the Resolution setting the hearing.
- B. Notice of public hearing for annexation must, by State statute, be published in a paper of general circulation for four (4) successive weeks at least thirty (30) days prior to the public hearing. A copy of the published notice, together with the "Letter of Intent" provided with the application and the annexation map(s) shall be sent by the Town by U.S. mail to the owners of real property within three hundred (300) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed.. In the case of a "flagpole" annexation, the Town shall also provide any notice to abutting property owners required by C.R.S. § 31-12-105 as amended.
- C. Mailing labels, notice to mineral estate owners and lessees.
 1. The petitioner shall provide the Town with a set of standard mailing labels containing the owners of real property within three hundred (300) feet of the property to be annexed, , the irrigation ditch companies whose rights-of-way traverse the property to be annexed. The petitioner shall also certify that the required address list of owners of real property is complete.

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2. A copy of the Resolution, along with the petition, as filed, will be sent to all special districts encompassing the property to be annexed no less than twenty-five (25) days prior to the public hearing. The petitioner shall provide a set of standard mailing labels for all special districts encompassing the property to be annexed, the Board of Weld County Commissioners and the Weld County Attorney, special districts and school districts with territory within the property to be annexed, and referral agencies of the Town, as directed by the Town. The petitioner shall also provide a sufficient number of labels to mail the notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
3. The petitioner shall be responsible for providing labels for notice of any public hearing to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by C.R.S. § 24-65.5-101, et seq. The petitioner shall certify to the Town Clerk not less than fifteen (15) days prior to the date of the public hearing(s) the petitioner's conformance with this notice requirement. Notice provided by the Town to the owners of the mineral estates and their lessees shall not relieve the petitioner(s) from the responsibility of providing notice as required by C.R.S. §24.65.5-101, et seq.

16.02.080. Post-Approval Actions

- A. After final passage of the annexation ordinance, the applicant shall file with the Town final versions of all applicable documents including one mylar and an electronic copy after recording (including all recording data) of the annexation map(s).
- B. In the event that zoning was requested with the annexation, zoning shall be granted by Ordinance and the official zoning map shall be amended accordingly. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by this Code. In the event that the property owner does not request and process it's zoning request within such ninety (90) day period, the zoning of the annexed property shall be deemed to be AG/Holding District as defined in this Code.

Chapter 16. 03 Zoning

Sections:

- 16.03.010 General Provisions
- 16.03.020 Purpose
- 16.03.030 Zoning Districts and Boundaries
- 16.03.040 Principal and Conditional Uses Permitted by Zoning District
- 16.03.045 Planned Development Overlay Districts
- 16.03.050 Conditional Uses – Use by Special Review
- 16.03.060 Nonconforming Uses – Buildings
- 16.03.070 Appeals and Variances
- 16.03.080 Waivers
- 16.03.090 Amendments
- 16.03.100 Wireless Telecommunication Services, Facilities and Equipment
- 16.03.110 Home-based Business - Definition
- 16.03.111 Home-Based Businesses (Home Occupation) Permit Criteria
- 16.03.112 Home Occupation Violation

16.03.010. General Provisions

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare of the community.

- A. Uniformity of Regulations. The regulations established by this section within each zone shall apply uniformly to each class or type of structure or land. Unless exceptions are specified in this section, the following interpretations shall apply:
 - 1. No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, demolished or structurally altered unless in conformance with all of the regulations herein specified for the zone in which it is located.
 - 2. No part of a yard, other open space, off-street parking or loading space about or in connection with any building that is in compliance with this Code shall be combined with part of a yard, open space, off-street parking, or loading space that has not been zoned unless it is considered a specific exception as stated in this section.
 - 3. No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
 - 4. Any use not permitted in a zone either specifically or by interpretation by the Board as provided in this Code is hereby specifically prohibited from that zone.
- B. Conflict With Other Provisions of Law. Whenever the requirements of this section are inconsistent with the requirements of any other lawfully adopted rules, regulations, or Ordinances, the more restrictive standards shall govern.
- C. Conflict With Private Covenants or Deeds. In case of a conflict between this Code and any private restrictions, the provisions of this Code shall control for purposes of enforcement by the Town. The Town shall have no responsibility to enforce private covenants or deed provisions.
- D. Zoning of Annexed Territory.
 - 1. Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.
 - 2. Any area annexed shall be brought under the provisions of this section and the zoning map within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety (90) day period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion, or all of, the newly annexed area.

16.03.020. Purpose

The purpose of this section is to create a vital community in order to enhance the Town's historic character and further the citizens' goals as identified in the Ault Comprehensive Plan while balancing the use rights of private property owners. These zoning regulations are designed to:

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- A. Encourage the most appropriate use of land throughout the Town and ensure logical growth of the various physical elements of the Town.
- B. Regulate and restrict the location and use of buildings, structures, and land for residence, business, trade, industry, or other purposes.
- C. Regulate and determine the size of building lots, yards, and other open spaces.
- D. Prevent the overcrowding of land, promote quality development, ensure efficiency in land use, lessen congestion and increase safety in travel and transportation, and encourage development that supports the long-term stability and livability of the Town.
- E. Promote the health, safety, and general welfare of Town residents.

16.03.030. Zoning Districts and Boundaries

- A. Zoning Districts. In order to carry out the provisions of this Code, the Town is divided into the following zoning districts, which are further defined hereafter in this section:
 - 1. Town Residential - Single Family
 - 2. Town Residential - Multi-Family
 - 3. Rural Residential
 - 4. Commercial
 - 5. Light Industrial
 - 6. Heavy Industrial
 - 7. Planned Development Overlay/Mixed Use
 - 8. Agricultural
- B. Official Zoning Map. The boundaries and classifications of districts established are as depicted on a map entitled Town of Ault Official Zoning Map as may from time to time be revised, updated or redrafted. The Zoning Map adopted and to be used for reference shall be that map bearing the most recent date of publication which has been signed by the Chair of the Planning Commission and the Mayor.
 - 1. Interpretation of zoning district boundaries.
 - a. In the event uncertainty exists on the zoning map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines such as streams; or other lines to be determined by the use of scales shown on the map.
 - 2. Amendment upon zoning or modification. Upon enactment of any Ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon date the Ordinance is effective, the Town shall amend the prior existing zoning map to include the annexed area with the proper zoning classification or show the amended classification. Such updated official map shall contain, in table form, the date and number of the Ordinance amending it, the title of the change, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
 - 3. Cost for amending zoning. Any person who petitions zoning for property being annexed or petitions to modify existing zoning shall bear the entire cost of amending the zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and a fee agreement form upon request.
 - 4. Public inspection; storage of original. A copy of the zoning map shall be available and on display at the Town Hall during normal business hours. In addition, one copy of the current zoning map, and all prior

zoning maps that have been adopted, shall be held in a secure place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk.

16. 03. 040. Principal and Conditional Uses Permitted by Zoning District

- A. General Application of Uses. Uses designated as "principal uses" are allowed in a zone district as a matter of right. Uses classified as "conditional uses" are permitted upon approval of a conditional use permit by the Planning Commission. Unless a use is designated as a "principal use" or "conditional use" or is classified as a legal "non-conforming" structure or use, it is not permitted except by specifically granted variance approved by the Planning Commission and the Board of Adjustment. Land uses not otherwise identified in this Code may be considered "conditional uses" if they are determined to be "similar" to either a principal or conditional use listed within that zoning district. "Similar" shall mean that the use can be reasonably interpreted to fit into a similar use category as identified in this Code. Town administration will make a written determination regarding any request for a land use not listed in this Code. If a determination is made that the proposed use is similar to either a listed principal or conditional use, it will be processed as a conditional use under the provisions of this Code.
- B. Measurement of Residential Density. Allowable or maximum residential densities as identified in this Code will be measured as gross densities where the number of residential units is divided by the total acreage of the subject property.
- C. Town Residential District Single Family
 - 1. Intent. The Town Residential District provides for the development of all family residential dwellings with or without alleys. Density shall not exceed five (5) units per acre without a variance.
 - 2. Principal or Conditional uses. Principal or conditional uses for the Town Residential District are found on Table 3.1.
 - 3. Area and bulk requirements.
 - a. Gross Minimum Density: two (2) dwelling units per acre.
 - b. Minimum Lot Size: seven thousand (7,000) square feet with a minimum width of seventy-five (75') feet.
 - c. Maximum height of twenty-five feet (25') finished floor to peak.
 - d. Setbacks are twenty-five (25) feet front, twenty (20) feet rear, five (5) foot sides, except that a side abutting a street shall have a twenty-five (25) foot setback or one foot (1') for each three feet (3') of building height. Accessory Buildings require a five (5) foot side and rear setback.
 - 4. Maximum density.
 - a. Development in the Town Residential District may not exceed five (5) units per gross acre without Planning Commission approval. Accessory dwelling units in the Town Residential District count as .33 units towards the overall project density.
 - 5. Open space required. Each lot in this zone shall maintain at least thirty percent of the lot as unbuilt ground, and each subdivision in this zone shall provide a minimum of thirty (30) percent of the overall gross project area as open space. This open space may be placed within detention facilities, greenway/trail corridor linkage and floodplain.
- D. Town Residential District Multi-Family
 - 1. Intent. The Town Residential District provides for the development of all family residential dwellings with

or without alleys.

2. Principal or Conditional uses. Principal or conditional uses for the Town Residential District are found on Table 3.1.
3. Area and bulk requirements.
 - a. Gross Minimum Density: two (2) dwelling units per acre.
 - b. Minimum Lot Size: seven thousand (7,000) square feet with a minimum width of seventy-five (75) feet.
 - c. Setbacks and unbuilt space requirements shall be determined with respect to each proposed development, taking into consideration recreational options available to residents, access to all exterior portions of any structures, safety, and aesthetics.
4. Maximum density.
 - a. Development in the Town Residential District may not exceed sixteen (16) dwelling units per gross acre without Planning Commission approval. Accessory dwelling units in the Town Residential District count as .33 units towards the overall project density.

E. Rural Residential District

1. Intent. The Rural Residential District provides for the development of all low-density, single-family residential development within the Town's outer edge. The current land is predominantly rural and agricultural. Rural residential development in this planning area is intended to be large lot residential subdivisions with a pre-determined number of acres per lot combined with the limitations of infrastructure that may be accessible or attainable.
2. Principal or Conditional uses. Principal or conditional uses for the Town Residential District are found on Table 3.1.
3. Area and bulk requirements.
 - a. Gross Acreage: A minimum of three (3) acres per dwelling unit (i.e. 60 acres/3= 20 lots)
 - b. Minimum Lot Size: 1.25 acres.
4. Maximum density.
 - a. Development in the Rural Residential District should be designed to encourage diversity/flexibility of lot sizes. Density may be increased over limits otherwise allowed at the discretion of the Board if open space and/or remaining land is managed in an approved manner.
5. Animals and Livestock. Subject to covenants of each specific subdivision, animals may be permitted as provided in Section "I" of 16.03.040.

F. Commercial Districts

1. Intent. The purpose of the Commercial is intended to provide for the development, retail, commercial and service businesses to support residential neighborhoods. New development or redevelopment in this district should be scaled in size to fit the adjacent neighborhood. This district is to allow for the development of a wide variety of residential, commercial, service, businesses, retail uses, offices and personal & business establishments land uses within pedestrian oriented neighborhoods. This district also supports both smaller (neighborhood) commercial and retail uses as well as larger uses (commercial, retail, religious, etc.) commonly referred to as "big box" uses.
2. Principal or Conditional uses. Principal or conditional uses for the Commercial District are found on Table 3.1.
3. Area and bulk regulations. Multi-story, structures. Commercial uses shall be contained in multi-story (two

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(2) to three (3) stories) structures with commercial/retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels. Such building shall vary in terms of footprint and architectural elevations.

4. Maximum density or lot coverage.

- a. Minimum front yard. Where all the frontage on the side of the street between two (2) intersecting streets is zoned as a commercial district, no setback shall be required. Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residence and partly as business, the setback requirement of the Multiple-Family Residential District shall apply to the entire frontage.
- b. Minimum side yard. 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. In all other cases, a side setback of three feet (3') shall be required. In the event rear access to the property is not available, then a twelve-foot (12') setback shall be required on one (1) side.
- c. Minimum rear yard. All building and structures shall have a rear yard of not less than fifteen feet (15'), which may include one-half (1/2) the width of the alley.
- d. Parking. For commercial retail sales and service establishments, three (3) square feet of parking space is required for every one (1) square foot of sales and service floor area.
- e. Accessory Dwelling units in the Commercial and Mixed-Use District count as one-third (.33) units towards the overall project density.

G. Industrial District

1. Intent. This district is intended to provide locations for a variety of workplaces and employment opportunities including light industrial uses, research and development offices, institutions, manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, and child care.
2. Principal or Conditional uses. Principal or conditional uses for the Industrial District are found on Table 3.1.
3. Standard setbacks in Industrial zones shall be :
 - a. Fifty feet (50') from the front with the first fifteen feet landscaped
 - b. Twelve feet (12') on sides unless a rear yard exists with access, in which case side setbacks may be eliminated if adequate fire separation exists.

H. Planned Development Overlay Districts - See 16.03.045

I. Agricultural District.

1. All land uses allowed in Rural Residential are allowed in the Agricultural ("A") District as a matter of right. In addition, nurseries, kennels, veterinary facilities, livestock feeding, breeding, and husbandry, boarding of livestock and pets, plant nurseries, farming operations, and public or private greenhouses, and cultivation of crops for sale, including sale on site, are all allowed. By special review, any use allowed in Rural Residential zones which is not a use by right may be permitted.
2. Agriculture Permitted Uses. Uses permitted in the A District are as follows:
 - a. Farm dwelling or building appurtenant to agricultural use;
 - b. Crop production;
 - c. Grazing;
 - d. Greenhouse;

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- e. Nursery;
- f. Sod (turf) farm;
- g. Storage of farm products and private farm equipment;
- h. Truck farming;
- i. Single-family dwelling on minimum lot size of five (5) acres;
- j. Parks and open spaces;
- k. Kennels, subject to approval by the Planning Commission.

3. Development Standards. The development standards in the A district are as follows:

- a. Minimum lot area, five (5) acres;
- a. Minimum lot width, one hundred seventy-five feet (175');
- b. Minimum front yard, fifty feet (50');
- c. Minimum side yard, twenty feet (20'). On the corner lots, the side yard shall be fifty feet (50') for the principal building;
- d. Minimum Rear Yard.
 - i. Principal buildings, twenty feet (20').
 - ii. Accessory buildings, ten feet (10');
- e. Minimum Floor area per dwelling, one thousand (1,000) square feet.

J. Grazing of Livestock. The number of livestock permitted by right is one (1) animal unit equivalents per acre. Livestock in excess of these requirements for the Agricultural Zone District shall not be permitted nor shall any animals be permitted which are not listed in the following table naming the animal unit equivalents for A-Agricultural Zone District. **(See Table 16.03.040.02)**

Table 16.03.040.01 - Land Use

Land Uses	Town Residential	Rural Residential	Commercial	Industrial	Ag.
[X] Principal Use by Right	[O] Conditional Use				
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	[X]	[X]			[X]
Bed & Breakfast establishments	[O]	[O]	[X]		[O]
Boarding & Rooming Houses	[O]				
Child care home	[X]	[X]	[X]		[X]
Child care home, large	[X]	[X]	[X]		[X]
Class A Recreational vehicles			[O]		
Family care, elderly day care homes	[X]	[X]	[X]		[X]
Flex buildings (start as a residential and shift to commercial overtime)		[O]	[X]		[O]
Long-term care facilities	[X]	[X]	[X]		[X]
Manufactured/mobile home and park			[O]		
Multifamily dwellings (4 or more units)	[X]	[X]	[X]		[X]

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Land Uses	Town Residential	Rural Residential	Commercial	Industrial	Ag.
[X] Principal Use by Right [O] Conditional Use					
Multifamily dwellings (less than 4 units)	[X]	[X]	[X]		[X]
Safe house for adults or children (up to 8 persons)	[X]	[X]			[X]
Two family (duplex) dwellings	[X]	[X]	[X]		[X]
Zero lot line single or 2 family dwellings	[X]	[X]	[X]		
Live/work units and buildings			[O]	[O]	
Mixed use buildings (residential, commercial, office, workshops etc.)			[O]	[O]	
Commercial, retail or service land uses					
Administrative, office and research facilities			[O]	[X]	
Adult entertainment				[O]	
Agricultural uses: ranching, farming, grazing etc.		[X]	[O]		[X]
Appliance sales and services			[X]	[X]	
Automobile service and repair- minor			[X]	[X]	
Automobile service and repair- major			[O]	[X]	
Banks and financial institutions			[X]	[X]	
Bars/taverns/micro-breweries			[X]	[X]	
Business offices (contractors, electronic repair, small engine, motorcycle)			[X]	[X]	
Car/motor vehicle washes			[X]	[X]	
Child care center	[X]	[O]	[X]	[O]	[O]
Cremation facility			[O]	[O]	
Commercial and retail businesses, indoor sales and service			[X]	[X]	
Distillery including tasting room and retail sales			[X]	[X]	
Entertainment facilities, comm.. theatres, etc.			[X]		
Equipment (small) rental establishments with outdoor sales			[O]	[X]	[O]

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Land Uses	Town Residential	Rural Residential	Commercial	Industrial	Ag.
[X] Principal Use by Right [O] Conditional Use					
Equipment rental (heavy) establishments with outdoor sales				[X]	[O]
Firework sales- temporary			[O]	[O]	[O]
Gasoline/Fueling station			[X]	[X]	
Gas, oil and other hydrocarbon well drilling and production				[O]	[O]
Greenhouses, whether public or private			[X]	[X]	[X]
Grocery store of less than 25,000 sq. ft.			[X]	[O]	
Grocery store of more than 25,000 sq. ft.			[X]	[O]	
Home-based businesses	[X]	[X]	[X]		[X]
Hospital	[O]	[O]	[X]	[X]	[O]
Hotel/Motel (no room limit)			[X]	[X]	
Inn (up to 12 rooms)			[X]	[X]	
Kennel- small animal			[X]	[X]	[X]
Laundromat and dry cleaning retail outlets			[X]	[X]	
Medical and dental offices and clinics			[X]	[X]	
Marijuana Establishment or Store			[O]	[O]	
Mini-storage facilities – enclosed			[O]	[O]	[O]
Movie theatre			[O]	[X]	
Office building			[X]	[X]	
Parking lots and parking garages (as principal use)			[X]	[X]	
Passenger terminal or park-n-ride			[X]	[X]	
Personal and business service shops			[X]	[X]	
Professional offices			[X]	[X]	
Push cart (sidewalk vending)			[O]	[X]	
Recycling facilities (including biofuel) processing and sales				[O]	
Restaurant not including drive through			[X]	[O]	
Restaurant with drive through			[O]	[X]	

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Land Uses	Town Residential	Rural Residential	Commercial	Industrial	Ag.
[X] Principal Use by Right	[O] Conditional Use				
Retail sales- general			[X]	[X]	
Retail sales building/center 50,000 gross			[X]	[X]	
Retail sales building/center 50,000 gross			[X]	[X]	
Retail and supply yard establishments with outdoor storage				[X]	
Roadside or temporary retail stand/tent			[O]	[O]	[O]
Sales of farm implements, heavy equipment, mobile/manufactured homes				[X]	[O]
Storage facilities, outdoor storage for RV's, boats, trailers etc.				[O]	[O]
Short Term Rental (STR)	[O]				
Truck depot			[X]	[X]	
Truck maintenance			[X]	[X]	[O]
Vehicle sales including automobiles, motorcycles, RV's, boats and trucks			[X]	[X]	
Veterinary clinic for small animals with no outside kennels			[X]	[X]	[X]
Veterinary hospitals- large animals				[X]	[X]
Public, quasi-public, other land uses					
Accessory buildings and uses incidental to principal use	[X]	[X]	[X]	[X]	[X]
Alternative power generation facilities			[O]	[O]	[O]
Bus shelters	[X]	[X]	[X]	[X]	[X]
Cemetery	[O]	[O]			[O]
Clubs and lodges			[X]		
Community garden	[X]	[X]	[X]		[X]
Conference/convention center			[X]		
Farmer's market			[X]	[X]	[X]
Fire station	[O]	[O]	[X]	[X]	[O]
Municipal uses w/out equipment yards			[X]	[X]	

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Land Uses	Town Residential	Rural Residential	Commercial	Industrial	Ag.
[X] Principal Use by Right [O] Conditional Use					
Municipal uses with equipment yards				[X]	
Museum	[X]	[X]	[X]	[X]	[X]
Parks and open space	[X]	[X]	[X]	[X]	[X]
Parks and playgrounds- neighborhood	[X]	[X]	[X]		[X]
Outdoor am phi theatre			[X]	[X]	
Public or other non-profit recreational uses	[X]	[X]	[X]	[X]	[X]
Religious assembly (neighborhood scale of up to twenty persons)	[X]	[X]	[X]	[X]	[X]
Religious assembly (community scale – more than 20 persons)			[X]		[X]
Rest stop			[X]		[X]
Schools, public & private (preschool- grade 12)	[X]	[X]	[X]	[X]	[X]
Schools, including colleges, vocational and technical training			[X]	[X]	[X]
Wireless communications facility			[X]	[X]	[O]
Industrial Land Uses					
Heavy industrial facility				[X]	
Laboratory and /or research facility			[X]	[X]	
Light industrial facility			[O]	[X]	
Manufacturing plants incl. assembly, sales and service of commodities			[O]	[X]	
Warehouse, distribution and wholesale uses				[X]	
Workshops and custom small industry including art studio w/out sales			[X]	[X]	

	Animal Unit Equivalents	Number of Animals Equivalent to One Animal Unit	Maximum Number Per Acre
Cattle	1	1	1
Horse	1	1	1
Swine	1	1	1

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	Animal Unit Equivalents	Number of Animals Equivalent to One Animal Unit	Maximum Number Per Acre
Mule	1	1	1
Burro	1	1	1
Sheep	.5	2	2
Goat	.5	2	2
Llama	.1	10	10
Alpaca	.075	13	13
Poultry	.04	25	25
Rabbit	.04	25	25

HISTORY

- Original
- Ord. 540, Section 1, 2023
- Ord. 538, Section 4, 2022

16.03.045. Planned Development Overlay Districts

- A. Intent. This Planned Development Overlay (PDO) is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. 24 67-101, *et seq.*). The PDO is intended to be used as an overlay zone district that supplements the underlying standard zone. The intent and purpose of this zoning overlay is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. This overlay is created to allow and encourage compatible uses to be developed in accordance with a single approved plan, which may involve use which would otherwise require separate zoning districts, in harmony with the environment and surrounding neighborhood. The PDO is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PDOs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.
- B. Permitted Uses. Uses permitted in an area with an approved PDO shall be those uses permitted in the underlying standard zone district for the property and any other uses specifically approved as part of the PDO approval process. An applicant for a PDO may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PDO development. Uses which would have been conditional uses in the underlying zoning district may be approved as allowed uses within all or part of the PDO if it can be demonstrated that such uses are consistent with each other, with the overall purposes of the PDO, and with surrounding land uses.
- C. PDO Restrictions and General Requirements. Properties utilizing the PDO process shall be subject to the following:
1. All PDO applications shall include a gross land area of not less than ten (10) acres.
 2. The area of land for the PDO may be controlled by one (1) or more landowners, but must be developed under unified control or a unified plan of development.
 3. Areas designated as private streets and/or common open space including land, an area of water, or a

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combination of land and water within the site designated for a PDO shall be designed and intended primarily for the use or enjoyment of residents, occupants and owners of property within the PDO; and, provisions shall be made for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the Town.

4. All requirements set forth in this Code otherwise applicable to the area of land proposed for a PDO shall govern, except to the extent that the approved plan for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, and open space.
5. No PDO may be approved by the Town without the written consent of the landowner whose property is included within the PDO.

D. PDO Approval Procedure. All PDO applications shall be submitted and processed simultaneously with either the processing of initial zoning applications or in association with a subdivision application for the property. The processes set forth for establishing initial zoning, or for approval of a change of zone may be followed at the election of the owner. If established in association with initial zoning, the terms of a PDO may be modified in association with a later subdivision process if requested by the owner and approved by the Town. Approval of a PDO does not constitute subdivision or development approval. Development approval is acquired only after approval of a subdivision plat and execution of an approved development agreement.

1. Scheduling requirements for PDO applications shall match those specified for the zoning process, or if subdivision process is elected, shall include sketch plans and preliminary and final plats. In addition, an application for a PDO District supplement to the official zoning map shall be processed and subject to public hearings in the same manner as for other amendments to the official zoning map, as outlined in Section 16.03.040 of this Code.
2. Public hearings for the establishment of a PDO on a particular property and for approval of a Final Development Plan may be combined or can occur separately. Development within an approved PDO cannot occur unless and until a final plat consistent with an approved Final Development Plan for the portion of the property to be developed has been approved and recorded as provided in 16.04.090.
3. Upon approval of a final PDO, a PDO Development Plan shall be approved for such property by Resolution passed by the Town Board, after review by the Planning Commission. Prior to approval, such plan shall be referred to as the "Preliminary Development Plan". Upon approval by the Town Board, such Development Plan shall be referred to as the "Final Development Plan", and all development within the PDO shall be required to comply with such plan unless and until amended by resolution of the Town Board of Trustees. A PDO Development Plan may be pursued either in conjunction with the PDO (zoning) approval process or after such approval. Such PDO Development Plan shall comply in all respects with the subdivision regulations set forth in 16.04 of this Code. In addition to all of the information required as part of the sketch plan, preliminary plat and final plat application packages, applications for a PDO development plan shall include additional information as outlined below.

E. PDO Application Submittal Requirements.

1. PDO application fee;
2. A scale map of the PDO showing proposed lot sizes, general layout, and proposed uses in each area.
3. Written PDO description as part of the general development information which includes:
 - a. List all subdivision regulation exceptions being proposed for the PDO and explain why such

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exceptions are justified.

- b. Identify the underlying zoning district(s) for the property and describe any modifications and/or restrictions to the allowed uses and/or standards allowed or allowable within the district(s).
- c. Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). Provide a comparison between the proposed preliminary PDO plan to the elements and standards of the underlying zone district(s) as contained in this Code. If any conditional uses are requested, explain how the conditional use review criteria, 16.03.050 will be addressed
- d. Identify and explain the benefits which will be provided by the PDO to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of-way is decreased by eliminating on-street parking, then there will be designated parking areas with five hundred (500) feet of all residences, etc.). All proposed benefits must offset the proposed modifications.
- e. Explain how the proposed PDO will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe any proposed buffering techniques which serve to achieve such compatibility.
- f. Provide any additional relevant information which the Town of Ault may deem necessary.

F. Preliminary Development Plan Application Submittal Requirements. The requirements for a Preliminary Development Plan and approval process applicable to an area subject to an approved PDO shall correspond to the requirements for a Preliminary Plat , as set forth in the subdivision regulations in 16.04.040 and 16.04.050 of this Code, including required fees.

G. Final Development Plan Application Submittal Requirements. The requirements for and approval process applicable to a Final Development Plan in an area subject to an approved PDO shall be the same as the requirements for a Final Plat as set forth in the subdivision regulations in 16.04.060 of this Code, including required fees.

H. PDO Review Criteria.

1. The following review criteria will be used by the staff, Planning Commission and Board of Trustees to evaluate all PDO applications at the initial presentation:

- a. The proposed benefits offset the proposed exceptions to the zoning and subdivision standards, and that such exceptions are in the best interest of the public health, safety, and welfare.
- b. The proposed PDO conforms to the PDO restrictions, and that the proposed zoning is compatible with the surrounding land uses.
- c. The PDO proposes creative and innovative design, and high-quality development thereby protecting and promoting public safety, convenience, health and general welfare.
- d. The uses and densities in the proposed PDO are compatible, and will be effectively integrated with adjacent neighborhoods which now exist or are proposed in the future.
- e. The proposed PDO is in general conformance with the Town of Ault Comprehensive Plan.

I. Compliance with Final Development Plan - The Board of Trustees may initiate the process to repeal the Ordinance establishing the PDO District if:

1. The project for which the PDO zone was established is not carried out pursuant to the approved Final Development Plan and any applicable development agreement; provided however that the Board of

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Trustees may approve appropriate modifications to the Final Development Plan from time to time prior to completion of the proposed development, or building activity for the PDO district has not commenced within a period of two (2) years after the effective date of the Ordinance establishing the PDO, unless a different period of time is established by Ordinance or Resolution. .

J. Land Previously Zoned PUD.

1. Any land that is undeveloped as of date of adoption of this Code, and was previously zoned PUD, must, prior to further development, either:
 - a. Request and obtain approval for one or more underlying standard zoning districts in conjunction with a PDO district application; or
 - b. Request and obtain approval of one or more standard zoning districts, and develop the property without the use of a PDO District.
2. Any land previously zoned PUD, and partially developed prior to the date of adoption of this Code, may continue and complete such development under the terms and conditions of approval for that PUD; subject, however, to the provision that any major modifications, as determined by the Town, to that PDO shall require review and approval under the new requirements of this Code.

16.03.050. Conditional Uses – Use by Special Review

A. Purpose. In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use or use by special review permit. For purposes of this section, the term conditional use applies to both conditional uses and uses by special review. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

B. Conditional Use Review Process.

1. Pre-application conference. The applicant must attend a pre-application conference with a representative team from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.
2. Conditional use application submittal. The applicant shall submit the complete conditional use application package to the Town and shall request that the application be reviewed by the Planning Commission and Board. Conditional use requests shall include:
 - a. Land Use application form.
 - b. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of conditional use application submittal.
 - c. Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
 - d. A site plan showing the proposed development of the site, including topography, building locations,

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- parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
- e. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
 - f. Such additional material as the Town may prescribe or the applicant may submit pertinent to the application.
 - g. Surrounding and interested property ownership report - Provide the Town with a current list, not more than thirty (30) days old of the names and addresses of the surrounding property owners (within three hundred (300) feet of the property), mineral interest owners and mineral and oil and gas lessees of record for the property, and appropriate ditch companies. The applicant shall certify that the report is complete and accurate and be submitted in the format requested by the Town at the time of submittal.
3. Conditional use application certification of completion. Within a reasonable period of time, the staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in a fashion designated as appropriate by Town staff at time of submission.
 4. Notice Provisions
 - A. Notice for Surrounding Properties
 - i. Posted sign. Within 10 days of the determination of a complete application, the Town shall post a “development under review” sign on the property unless a different procedure is established elsewhere in this code. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The sign shall be posted until the day after the final public hearing.
 - ii. The posted sign shall include: the address and telephone number of the Community Development Department where all application materials relating to the proposal may be reviewed prior to the hearing.
 - B. Public Hearing Notice
 - i. Public hearing notice. Public hearing notices shall be mailed to each owner of estates, rights, or interests in the subject property identified in the title information submitted with the application, and to each property owner within 300 feet of the subject property, per the Weld County Assessor’s Office. Public hearing labels will be generated by Town Staff, and the mailing notice will be mailed by Town Staff at least 10 days prior to the initial public hearing.
 - a. The following shall not affect the validity of any hearing, meeting, or determination by the decision maker:
 - i. The fact that written notice was not mailed as required under the provisions herein.
 - ii. The fact that written notice, mailed as required under the provisions herein, was not actually received by one (1) or more of the intended recipients.
 - iii. The fact that signage, posted in compliance with the provisions herein, was subsequently damaged, stolen or removed either by natural causes or by persons other than the person responsible for posting such signage on his or

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her agents.

ii. The referral notice shall state:

- a. Name of proposal;
- b. Name of applicant of subject property;
- c. The street address or, if the street address is unavailable, the legal description by metes and bounds from the property deed;
- d. Size of property in acreage;
- e. The current zoning classification, if any;
- f. The category of development approval requested and a brief description of the proposed development, including density or building intensity, revised zoning classification (if any), and uses requested
- g. Application file number;
- h. Other information deemed important by the Town Planner.

5. Planning Commission review of the conditional use application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The Planning Commission will then recommend to the Board approval, approval with conditions or denial.
6. A conditional use permit may be revocable, may be granted for a limited time period, and may be granted subject to such other conditions as the Planning Commission may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, any standards for maintenance of buildings and grounds, and any development schedules.

C. Conditional Use Review Criteria. The Town may approve a conditional use application if it finds that each of the following criteria are satisfied:

1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Ault Comprehensive Plan.
3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
4. The conditional use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.
5. The conditional use will result in efficient on and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.

7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

HISTORY

- Original
- Ord. 540, Section 1, 2023

16. 03. 060. Nonconforming Uses – Buildings

A. Nonconforming Uses/Buildings. Except as provided in this section, the lawful use of any building or land existing at the time of enactment of this chapter, or of any amendments to this chapter, may be continued even though such use does not conform to the requirements of this chapter. Nonconforming uses and buildings include: signs, lots, uses, buildings, landscaping or activities that do not comply with the current requirements of this chapter.

B. General Provisions:

1. Whenever a nonconforming use or building has been discontinued for a period of six (6) months, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this section.
2. Any building or structure for which a building permit has been issued prior to the date of enactment of this section may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within two (2) months after the issuance of said permit and diligently pursued to completion.
3. No nonconforming use or building shall be altered, extended or restored.
4. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an expansion of such nonconforming building and shall be permitted.
5. A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided that such work is commenced within six (6) months of such calamity.
6. Any nonconforming building or portion thereof declared unsafe by the Building Official which may be replaced, strengthened or restored to a safe condition by order of the Building Official.

16. 03. 070. Appeals and Variances

A. Purpose. Pursuant to §31-23-307(1), C.R.S., the Board of Trustees serves as the Board of Adjustment. The Board of Adjustment shall hear and decide variances and appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of any Ordinance with respect to the Development Code of the Town of Ault. The Board of Trustees reserves the authority to act as the Board of Adjustment with respect to all other matters which may be brought before the Board of Adjustment. The Board of Adjustment shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the state, in harmony with the purpose and intent of this Code and the most appropriate development of the neighborhood:

1. To hear and decide appeals from, and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the provisions of this Code;
2. To authorize variances from the terms of this Code where the strict enforcement of this title would create a situation which would result in unreasonable application of these standards, or in circumstances where the property owners affected most directly, for example: neighbors, concur in writing with the variance, provided that such relief may be granted without substantial detriment to the neighborhood or the public

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good and without substantially impairing the intent and purposes of this Code, and further provided that there are exceptional circumstances applying to the specific piece of property which do not generally apply to the remaining property in the same zoning area or neighborhood; and further provided that no variance shall authorize any use other than the uses permitted in the zoning district. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact which is a material element bearing on the issue, and will weigh heavily against the owner or applicant seeking the variance.

3. To authorize, as variances, alterations in nonconforming uses and buildings, provided the Board of Adjustment determines:
 - a. That the total area devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use, and
 - b. The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use.
4. To perform each and all of the duties specified in Section 31-23-307 C.R.S., together with all other duties or authority which may hereafter be conferred on it by the laws of the state.

B. Procedures Generally. The Board of Adjustment shall hold a public hearing on all variance applications and appeals, subject to the following:

1. Notice shall be given in accordance with the provisions of this Code.
2. Unless otherwise stated in the Board of Adjustment minutes, all variances granted shall be commenced within six (6) months of the time such variance is granted; otherwise the variance shall be null and void.
3. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant in order to implement a variance.

C. Appeal Procedures. Every appeal to the Board of Adjustment shall be filed in writing no later than one (1) month from the date of the order, requirement, decision, or determination being appealed. The Board shall have no jurisdiction on any appeal not brought within thirty (30) days from the date of the order, requirement, decision, or determination. Appeals shall proceed in the same manner as variances under Section B, above.

16.03.080. Waivers

A. Purpose. The Board of Trustees may authorize waivers from the Code in cases where, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the Town Comprehensive Plan, or impair the intent and purpose of this Code.

B. Processes Suitable for Waiver Request. Applicants may seek a waiver from all or portions of the following processes identified in this Code:

1. Subdivision procedures including portions of concept, preliminary or final platting requirements, and
2. Zoning regulations limited to setback encroachments or height limitations.

C. Waiver Application.

1. Waiver request in conjunction with other applications. The applicant shall submit the following to the Town in conjunction with another application (i.e. zoning amendment):
 - a. Explanation letter - identifying the waiver being requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the waiver. The letter shall

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also address how the waiver, if granted, will not be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

- D. Waiver Criteria for Approval. The condition of any waiver authorized shall be stated in writing in the minutes of the Board with the justifications set forth. Waivers may be granted only if they meet the following criteria:
1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
 2. The waiver, if granted, is the minimum waiver of applicable Code provision that will afford relief and is the least modification possible of the Code provisions which are in question.
 3. That such practical difficulties or unnecessary hardship has not been created by the applicant.

16.03.090. Amendments

- A. Initiation of Amendments to Text or Official Zoning Map. The Board may from time to time, amend, supplement, change or repeal the regulations and provisions of this section. Amendments to the text of this Code may be initiated by the Board, town staff or the Planning Commission. Amendments to the zoning district map may be initiated by the Board, town staff, Planning Commission, or by a real property owner in the area to be included within the proposed amendment.
- B. General Rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision be made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for a minimum of fifteen (15) days prior to the public hearing on such amendments.
- C. Zoning Amendment Application Process.
1. Optional pre-application conference. The applicant may attend a pre-application conference with the Development Review Team. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.
 2. Zoning amendment application submittal. The applicant shall submit the complete zoning amendment application package to the Town and shall request that the application be reviewed by the Planning Commission and Board. Note: In the case of text amendments, no zoning amendment map is required.
 - a. Completed land use application form, zoning amendment, application fee and cost reimbursement agreement;
 - b. A written description of the proposed change to the text of this section, including the citation of the portion of the section to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rationale of the proposed change.
 - c. A legal description for all property to be considered for rezoning;
 - d. Current proof of ownership in the form of a title commitment issued within thirty (30) days of submission of the application (for zoning map amendments only).
 - e. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:

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- i. North arrow, scale (1" = 100' or 1" = 200'), and date of preparation.
 - ii. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
 - iii. Legal description of area to be zoned (entire area and individual zoning districts). In un-subdivided property, zone boundaries shall be determined by a metes and bounds description or by lot and blocks if applicable.
 - f. Location and boundaries, including dimensions, of the property(s) proposed for rezoning. Note: zone boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways, or such lines extended.
 - g. The acreage or square footage contained within the property proposed for rezoning.
 - h. All existing land uses in the proposed rezoning area.
 - i. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
 - j. The location and dimensions for all existing easements and public rights-of-way including streets, properties owned in fee, and centerlines of water-courses within and adjacent to the rezoning.
 - k. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
 - l. Certificate blocks for surveyor, Planning Commission, the Mayor and Town Clerk on behalf of the Board, and Weld County Clerk and Recorder.
 - m. An AutoCAD™ drawing file (release twelve (12) or higher) of the zoning amendment map on acceptable electronic transfer.
 - n. A written statement describing the proposal and addressing the following points:
 - i. Rationale for the proposed rezoning;
 - ii. Present any future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;
 - iii. Impact of the proposed zone on area accesses and traffic patterns;
 - iv. Availability of utilities for any potential development;
 - v. Present any future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
 - vi. The relationship between the proposal and the Town Comprehensive Plan; and
 - vii. Public benefits arising from the proposal.
 - o. Surrounding property ownership mailing labels - Obtain from the Weld County Clerk and provide the Town with a current set of mailing labels not more than thirty (30) days old of the names and addresses of the surrounding property owners (within three hundred (300) feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
3. Zoning amendment application certification of completion. Within a reasonable period of time after the filing of the application, the Town Clerk shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.
4. Set zoning amendment public meeting & hearing and complete public notification process. The Town shall

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send notice of public meetings and hearings to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners and oil and gas lessees of record and to referral agencies. The Town shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town shall prepare a public hearing notification sign to be posted on the property by the Town. If the zoning amendment request is accompanying another application which is scheduled for public hearings before the Planning Commission and Board, one (1) public hearing may be held on both applications.

5. Planning Commission public meeting and recommendation on the zoning amendment. The Planning Commission shall hold a public meeting to review the zoning amendment. The Commission shall then make a recommendation to the Board to approve, conditionally approve, or deny the application.
6. Board public hearing and action on the zoning amendment. The Board shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.

7. Post approval actions.

- a. Upon approval of an amendment to the official zoning map by the Board, the Town shall cause an appropriate revision of the official zoning map to be prepared. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map.
- b. Upon approval of an Ordinance amending, changing or repealing part of the text of this section, the Town shall certify a copy of the Ordinance and place it in the official records of the Town and make appropriate supplements to this section.
- c. The applicant initiating the official zoning map amendment shall have one (1) month after approval of the amendment by the Board to submit to the Town a mylar plat map of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment. After recording, applicant shall furnish to Town an electronic copy of the recorded zoning map. The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one (1), eleven by seventeen-inch (11" x 17") reduction of the zoning amendment map and an AutoCAD™ drawing file (release twelve (12) or higher).
- d. Within thirty (30) days of receipt of an applicant-initiated zoning amendment map, the Town shall review the document(s) for compliance with the Board approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the Ordinance amending the official zoning map to the Weld County Clerk and Recorder's Office for recordation.

D. Criteria for Amendments to the Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the zoning map shall not be amended except:

1. To correct a manifest error in an Ordinance establishing the zoning for a specific property;
2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or

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4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or
 5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
 6. A rezoning to Planned Development Overlay (PDO) District is requested and approved per provisions of this Code. This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.
- E. Criteria for Text Amendments to the Zoning Code. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this section shall not be amended except:
1. To correct a manifest error in the text of this section; or
 2. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff; or
 3. To accommodate innovations in land use and development practices that were not anticipated at the adoption of this section; or
 4. To further the implementation of the goals and objectives of the Town Comprehensive Plan.
- F. Map - Amendment upon Zoning Establishment or Modification. Upon enactment of any Ordinance annexing and establishing zoning or modifying existing zoning for any property, and after the effective date thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated zoning map shall contain, in table form, the date and number of the Ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
- G. PUD Text Amendment to use Current Design Standards. It is anticipated that subdivisions previously approved with PUD zoning may seek amendments to those approved PUD documents in order to allow the subdivision to follow design standards established by this Code. Text amendments to previously approved Final Development Plans that seek to modify design standards in order to conform to this Code will be processed as an administrative act of the Town. Any such PUD amendments will be recorded at the respective County Clerk and Recorder.

16.03.100. Wireless Telecommunication Services, Facilities and Equipment

- A. Permitted Zoning District. Wireless telecommunication services facilities shall not be permitted in the Town Residential, Rural Residential, or PUD zones without special review approval.
- B. Use Permitted by Conditional Review. Unless co-located on an existing permitted facility, it is unlawful for any person to install or operate such a wireless telecommunication services facility unless a use by conditional review has first been approved by the Board as provided in this section. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, state and federal government.
- C. Application Requirements.
 1. Site plans. The site plans for a wireless telecommunication service facility shall be submitted on one (1) or more plats or maps, at an appropriate scale, showing the following information:
 - a. The proposed size, location and boundaries of the commercial mobile radio service facility site, including existing and proposed topography at two-foot (2') intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site;

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- b. Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors;
 - c. True north arrow;
 - d. Locations and size of existing improvements, existing vegetation, if any; location and size of proposed improvements, including any landscaping;
 - e. Existing utility easements and other rights-of-way of record, if any;
 - f. Location of access roads;
 - g. The names of abutting subdivisions or the names of owners of abutting, un-platted property within three hundred feet (300') of the site; zoning and uses of adjacent parcels; and
 - h. Proof of ownership in a form acceptable to the Town.
 - i. The location in both latitude/longitude and UTM meters.
2. Vicinity maps. The vicinity maps submitted with an application under this section shall include one (1) or more maps showing the location of existing and planned commercial mobile radio service facilities belonging to the applicant, within five (5) miles of the proposed facility. Planned facilities may be identified in general terms and need not be address specific.
3. Written narrative. The application shall include the following in narrative form:
- a. The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable;
 - b. An explanation of the need for such a facility, operating plan and proposed coverage area;
 - c. Camouflage provisions (if applicable);
 - d. If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility;
 - e. A list of all permits or approvals obtained or anticipated to be obtained from local, state or federal agencies other than the Federal Communications Commission (FCC);
 - f. Affirmation that the proposed facility, alone or in combination with other like facilities, will comply with current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields;
 - g. Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;
 - h. Affirmation that the facility will not interfere with any public safety frequencies servicing the Town and its residents;
 - i. Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers; and
 - j. An explanation of compatibility with the Town Comprehensive Plan.
- D. Review Criteria. The recommendation of the Planning Commission and the decision of the Board shall be based on whether the applicant has demonstrated that the proposed wireless telecommunications services facility meets the following standards:
1. The site plan complies with the foregoing requirements;
 2. The vicinity map complies with the foregoing requirements;
 3. The application addresses camouflage of the facilities from public view as appropriate;
 4. The narrative for the application complies with the foregoing requirements;
 5. When applicable, compliance with the setback and height requirements;
 6. When applicable, compliance with the accessory building requirements; and

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7. When applicable, compliance with conditional mitigation co-location requirements as set forth. The review criteria shall be included in the Ordinance granting approval of the conditional use.

E. Height and Setback Requirements. In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:

1. Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five feet (5') above the parapet line of the building or structure, nor more than two and one-half feet (2 ½') outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;
2. Roof- or building-mounted whip antenna(s) of no more than three inches (3") in diameter, in groupings of five (5) or less, may extend up to twelve feet (12') above the parapet wall; and
3. Applicable zoning setback requirements of this section must be met. At a minimum, all freestanding facilities shall be set back at least three hundred feet (300') from all residentially zoned properties or residential structures on properties otherwise zoned.

F. Accessory Building Requirements

1. Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area must enclose the equipment in accessory buildings.
2. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient by the Town.

G. Building or Roof-Mounted Facilities Requirements. Building- or roof-mounted facilities are to be concealed from public view, either by screening, location or other techniques deemed sufficient.

H. Freestanding Wireless Telecommunications Facilities Requirements. All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

1. Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users;
2. Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;
3. Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;
4. Hold only lighting required by the Federal Aviation Administration; and no signage;
5. No higher than fifty feet (50') from the ground, with an additional twenty feet (20') per co-locating user permitted, up to seventy feet (70'). Exceptions may be granted upon request by the applicant; and
6. Constructed in accordance with a certified engineer's specifications and in compliance with all applicable provisions of the adopted Building and Electrical Codes.

I. Conditional Mitigation Measures Co-Location

1. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites in the community.
2. No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan. Unfair exclusion is shown, in part, when the owner/operator charges more than the proportional costs to a co-locator.

J. Application Fees. Each applicant shall pay a non-refundable application fee as determined by the Town Fee

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Schedule. Legal publication costs pursuant to Section 16.01.120 and the required Cost Agreement deposit will be paid are in addition to the application fee and will be billed separately by the Town. No permit will be issued until all fees are paid.

- K. Abandonment. At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use.
- L. Penalty. Any person who constructs, installs or uses, or who causes to be constructed, installed, or used any wireless telecommunications facility in violation of any provision of this section or of the conditions and requirements of the conditional use permit, may be punished as provided in Section 6 of this Code. Each day of unlawful operation constitutes a separate violation.
- M. Civil Action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this section or the conditions and requirements of the commercial mobile radio service facility special use permit, the Town Attorney, in addition to the other remedies provided by law, Ordinance or Resolution, may institute an injunctive, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful construction, reconstruction, alteration, or use.

16.03.110. Home-based Business - Definition

A Home Based Business is an incidental use of a dwelling unit for commercial purposes of the residents therein, where:

- a. Such use is conducted entirely within a dwelling unit and its associated property and conducted by the residents thereof and no others;
- b. Such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof;
- c. There is no advertising or other indication of the home-based business on the lot or any structure or vehicle located on or adjacent to the lot, with the exception that one (1) nameplate shall be allowed which may display the name of the occupant and/or the name of the home-based business, such nameplate does not exceed one (1) square foot in area, shall not be illuminated, and attached flat to the structure or vehicle or visible through a window;
- d. All activities associated with the home-based business are conducted in compliance with all applicable federal and state laws and all local ordinances and fire codes;
- e. There is no exterior storage, display or sales of materials, goods, supplies or equipment related to the operation of such home-based business nor of any highly explosive or combustible materials; and
- f. There is no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference or other hazard or nuisance noticeable off the lot if the home-based business is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family detached dwelling unit.
- g. The following uses, because of their tendency to go beyond the limits permitted for Home Based Businesses, shall not be permitted as Home Based Businesses:: clinic, hospital, hotels/motels, restaurant, funeral home, vehicle or boat repair, organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a public school), medical/ retail marijuana cultivation, and welding shops.

HISTORY

- Original
- Ord. 530, 2021

16. 03. 111. Home-Based Businesses (Home Occupation) Permit Criteria

- a. **Availability:** A home-based business permit may be sought for a residential property in any zoning district if the criteria set forth in this section are met;
- b. **Application.** Application for a home-based business shall be made on a form provided by the Licensing Department and shall be accompanied by a processing fee of thirty-five dollars (\$35) plus all required attachments at the time of submittal.
- c. **Administrative Approvals.** In cases where there is no determined external impact to the surrounding environment, approvals may be made administratively by staff and require no public hearings.
- d. **Planning Commission Approvals.** In cases where there is an external impact to the surrounding environment or the type of business is determined by staff as requiring additional oversight, the Planning Commission and application will be informed, and a public hearing will be scheduled.
 1. **Public Hearing Date and Notice.**
 - i. A public hearing shall be held by the Planning Commission on the nearest scheduled meeting date not less than twenty-one (21) days after filing of a complete application.
 - ii. Notices shall be mailed not less than five (5) days prior to the date of the public hearing to owners of property within a radius of two hundred feet (200') of the external boundaries of the property described in the application, using for this purpose the name and address of such owners as are shown on the latest official tax roll of Weld County or as determined by the Town Clerk. Such notice shall contain a copy of the application.
 2. **Recommendations by Commission.** Not later than ten (10) days following the Planning Commission's action in recommending approval or disapproval of the home-based business permit and setting forth any continuing conditions for approval the planning commission shall render a decision as to approval or denial of the application. In the case of a home-based business which is determined to cause additional impacts on the Town, generate parking or traffic issues, or require Town services disproportionate to the non-business uses in a residential neighborhood, an additional fee may be imposed by the Town Board as a condition of the permit. The additional fee, if any, shall be assessed in an amount determined by the Town Board, in its sole discretion, to be proportionate to the additional impacts on the Town caused by approval of the Home Based Business. The generation of sales tax revenue by a business shall be a factor considered in mitigation of such additional fee. A written report of the decision of the Planning Commission shall be mailed to the applicant at the address shown on the application form. A copy of said report shall also be forwarded to the Town Board of Trustees.
- e. **Voiding of Permit.** The Police Chief, the Planning Commission, or the Town Clerk may request that the Town Board terminate any home-based business permit for noncompliance with the conditions set forth in approving the permit, and the Town Board may, after notice and hearing, terminate any permit granted, based upon noncompliance with the conditions of issuance.

HISTORY

- Original
- Ord. 530, 2021
- Ord. 540, Section 1, 2023

16. 03. 112. Home Occupation Violation

- A. Any person conducting a home occupation whether as principal agent or otherwise without a current permit therefore shall be subject to a fine not exceeding two hundred fifty dollars (\$250.00) for each offense, such fine to incur to the Town. Each day of the existence of a violation shall be deemed a separate offense.
- B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any provisions of this chapter is declared to be a violation of this chapter and unlawful. The Town Board may, upon any such violation having been called to its attention, institute 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 chapter.

(Ord. 219 §7, 1977)

Chapter 16. 04 Subdivisions

Sections:

- 16. 04. 010 General Provisions
- 16. 04. 020 Intent
- 16. 04. 030 Definitions
- 16. 04. 040 Subdivision Types and Process Outlines
- 16. 04. 050 Preliminary Plat
- 16. 04. 060 Final Plat
- 16. 04. 070 Minor Replats
- 16. 04. 075 Lot Line Adjustments
- 16. 04. 080 Development Agreements
- 16. 04. 090 Sales Prior to Recording of Final Plat

16. 04. 010. General Provisions

The provisions of this Article shall apply to any and all subdivision of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this section and Code. The submittal of an application for approval pursuant to the provisions of these subdivision regulations constitutes consent to an agreement to comply with all of its applicable provisions.

This section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town Comprehensive Plan, this Code and applicable regulations, policies and other guidelines. The submittal of an application for approval pursuant to the provisions of these subdivision regulations constitutes an agreement to comply with all of its applicable provisions.

Scheduling of development applications before the Planning Commission or Town Board is at the discretion of the Town.

Any change to a development application by an applicant after formal submittal of that application to the Town constitutes a decision by the applicant that may result in the Town deciding to void the pending application. The Town may then reschedule or cancel the review of the development application at its discretion.

Prior to formal submittal of any subdivision application identified in this section, the staff will typically provide an applicant an individualized submittal checklist indicating the documents and information needed, quantities of those documents to be submitted, and the referral agencies that will be involved in the review process. The applicants are responsible for being fully familiar with all applicable provisions of these subdivision regulations. At the time of submittal, the applicants will be provided a pre-packaged packet and an electronic copy of all application materials, which the Town will use to distribute to the list of recipients provided by the Town. Upon determination by staff that a submittal constitutes a complete development application, the Town will forward the application packet information to each referral agency.

16.04.020. Intent

- A. This section is designed and enacted for the purposes of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
1. Ensuring compliance with this Code and the Comprehensive Plan.
 2. Creating livable neighborhoods that foster a sense of community.
 3. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
 4. Providing a variety of lot sizes and housing types.
 5. Providing for adequate roadways, utilities, access for fire apparatus, recreation, convenient open spaces, light, air quality and the avoidance of congestion of population.
 6. Providing open spaces for adequate storm water management.
 7. Providing adequate spaces for educational facilities.
 8. Providing adequate and appropriate spaces for commercial and industrial land uses.
 9. Providing protection from geologic hazards and flood prone areas.
 10. Regulating such other matters as the Town Board may deem necessary in order to protect the best interest of the public.

16.04.030. Definitions

16.04.040. Subdivision Types and Process Outlines

- A. Subdivisions.
1. Definition. A subdivision of land which includes one (1) or more of the following:
 - a. Dedication of public right-of-way, public infrastructure or other public tracts; or
 - b. The subdivision consists of two (2) or more lots or tracts.
 - c. Amendments to any lots, parcels or the relocation of any streets within a previously recorded subdivision.
 2. Process. The subdivision process is as follows:
 - a. Preliminary Plat.
 - i. Pre-application conference with staff.
 - ii. Application submittal.

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- iii. Staff certifies application is complete.
 - iv. Staff reviews and provides comments to Developer
 - v. Developer revises and responds to comments with amended plan.
 - vi. After staff approves, Town schedules Planning Commission and Town Board agendas and completes public notification process.
 - vii. Staff refers application to parties of interest.
 - viii. Final staff review and report to Planning Commission.
 - ix. Planning Commission public hearing and recommendation.
 - x. Town Board review and action.
 - xi. Applicant addresses any conditions of approval.
- b. Final Plat.
- i. Application submittal.
 - ii. Staff certifies application is complete.
 - iii. Staff reviews and provides comments to Developer;
 - iv. Developer revises and responds to comments with amended plat;
 - v. Staff refers application to parties of interest.
 - vi. Final staff review and report to Planning Commission.
 - vii. After staff approval, Town schedules Planning Commission review as Public Hearing.
 - viii. Planning Commission Public Hearing and action.
 - ix. Applicant addresses Planning Commission conditions (if any).
 - x. Applicant submittal of all documents in final form.
 - xi. Post approval submittal of documents and completion of final Board approval.
 - xii. Town records final plat and development agreement with County Clerk and Recorder.

16. 04. 050. Preliminary Plat

- A. Preliminary Plat Purpose. The purpose of the preliminary plat is to provide the Town with an overall master plan and preliminary engineering for the proposed development. If the scope of the project/plat warrants it, the Town Board may waive the Preliminary Plat requirement.
- B. Preliminary Plat Application Process
1. Pre-Application Conference. A pre-application conference with the Development Review Team from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
 - a. The provisions of this Code and the applicable requirements;
 - b. The application and review process;
 - c. Submittal requirements; and
 - d. Changes or modifications based on direction from the Town at concept plan.
 - e. Preliminary schedule/timeline
 2. Preliminary Plat Application Submittal. Following approval or conditional approval of the concept plan, the applicant may submit the complete preliminary plat application to the Town. The preliminary plat application package shall be formatted and packaged per the application submittal checklist provided by the Town:
 - a. Land Use Application Form

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- b. Application fee
- c. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
- d. Surrounding and Interested Property Ownership Report. Provide the Town with a list and set of mailing labels not more than thirty (30) days old, of the names and addresses of the surrounding property owners within three hundred feet (300') of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- e. Preliminary Plat. The preliminary plat shall provide the information outlined in Preliminary Plat checklist:
- f. Preliminary Plat Drawing Standards. The preliminary plat drawing shall comply with the following standards:
 - i. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of Colorado requirements.
 - ii. Except for parcels separated by public ROWs, public tracts, or railroads, parcels not contiguous with each other shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iii. Lengths on the preliminary plat boundary shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
 - v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
 - vi. Names and signatures of all owners of equitable interest in the property shall be on the preliminary plat and shall be made in black drawing ink.
- g. General Development Information. A written description of the existing conditions on the site and the proposed development, including the following items:
 - i. Explanation of how the preliminary plat is consistent with the concept plan and how the items of concern expressed by the Planning Commission, Town Board and the public at the time of concept plan have been addressed.
 - ii. Explanation of how the plan is consistent with this Code and the Comprehensive Plan.
- h. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans & specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications required.
- i. Preliminary Water and Sewer Plan and Study. A registered, professional engineer shall prepare this

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- plan. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- j. considerations and any limitations or additional investigations that might be necessary.
 - k. Preliminary Landscape and Open Space Plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.
 - l. Traffic Study. This study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The projects direct roadway impacts and proposed share of regional improvements and intersections must be identified.
 - m. Mineral, Oil and Gas Rights Documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site. Included in the evidence must be the name of the current contact person, their phone number, and mailing address for each of the mineral owners or lessees. Said evidence may be provided in a mineral interests report prepared by a certified land man, title company, or attorney.
3. Application Certification of Completion. Within five (5) working days, staff shall typically certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town.
 4. Schedule preliminary plat public hearing before Planning Commission and subsequent consideration as an agenda item by the Town Board after required public notice. The Town shall schedule a public hearing before the Planning Commission for the purpose of developing a recommendation for consideration before the Town Board. The Town shall publish notice in a newspaper of general circulation and post the property with at least one (1) sign clearly visible from a public right-of-way. Publication and posting shall be consistent with this Code.
 5. Refer Application to Parties of Interest. The Town shall send summary information about the application by regular mail to the mailing list provided by the applicant that includes property owners within three hundred feet (300') of the property line for industrial zones, together with utility and service providers and other parties in interest. The referral information shall include the time and place of the Planning Commission public hearing and Town Board public meeting the nature of the meeting or hearing, the location of the property, the applicant's name, and background information about the proposal.
 6. Staff review and report to Planning Commission. Staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
 7. Planning Commission public hearing and recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Town Board to approve, conditionally approve, or deny the application. The Planning Commission hearing will be scheduled within forty-five (45) days of application.
 8. Town Board Action. The Preliminary Plat should be scheduled for the first available meeting after the Planning Commission hearing. The Town Board shall review and act on the preliminary plat as part of a public meeting and the Town Board may choose to approve, approve with conditions, or deny the preliminary plat.

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9. Applicant Addresses Any Conditions Placed on the Proposal. The applicant shall revise the preliminary plat based only on conditions of approval (if any) placed on the proposal by the Town Board.
- C. Preliminary Plat Review Criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:
1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in the Ault Comprehensive Plan and this Code.
 2. The application is consistent with the approved concept plan and incorporates the Town's recommendations and any conditions of approval.
 3. The land use mix within the project conforms to Ault's Zoning District Map and Future Land Use Map and furthers the goals and policies of the Comprehensive Plan.
 4. The utility and transportation design is adequate, given existing and planned capacities of those systems.
 5. Negative impacts on adjacent land uses including, but not limited to: solar access, heat, dust, glare, traffic, and noise have been identified and satisfactorily mitigated.
 6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Ault.
- D. Phasing. A preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code.
- E. Early Grading. After approval of a Preliminary Plat, Applicants may proceed with preliminary grading of the project area if a construction plan set for grading and drainage is approved and memo issued by the Town Engineer authorizing grading work to begin. Early grading is at the risk of the applicant and no presumption of any final plat approval at the Planning Commission is expressed or implied by any authorization of early grading.
- F. Timeframe Related to Approval of Preliminary Plat. A preliminary plat is in full force and effect for a period of three (3) years from the date of the Town Board's action to approve or approve with conditions. Approval will automatically expire at the end of three (3) years unless an applicant formally requests a one-year extension from the Town Board prior to termination or submits a completed final plat application for all or a portion of the property. Extensions of a preliminary plat approval are at the direction of the Board.

16.04.060. Final Plat

- A. Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the Town.
- B. Final Plat Application Process
1. Final Plat Application Submittal. The final plat application shall substantially conform to the concept plan and the preliminary plat (if applicable), as approved at the public hearing and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the Town. The final plat application shall be formatted and packaged per the application submittal checklist provided by the Town and include:
 - a. Land Use Application Form
 - b. Application Fee
 - c. Title Commitment. An updated title commitment, dated no more than thirty (30) days from the date of a final plat application submittal.
 - d. Final Plat. The final plat drawing shall comply with the following standards:

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- i. The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor, and shall meet applicable State of Colorado requirements.
 - ii. Except for parcels separated by public rights-of-way, public tracts or railroads, parcels not contiguous with each other, shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iii. Lengths shall be shown to the nearest hundredth (100th) of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
 - v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
 - vi. Names and signatures of all owners of equitable interest in the property shall be on the plat and shall be made in black drawing ink.
 - vii. The final plat shall provide the information outlined under general development information. In addition, the description shall address how the proposed development conforms to this Code and the Ault Comprehensive Plan.
- e. Update of any plans or reports provided with the concept plan or preliminary plat for which there is a change of conditions.
- f. Special documents (as needed)
- i. Special agreements;
 - ii. Oil & Gas Surface Use Agreement.
 - iii. Floodplain Use Permit from the Town;
 - iv. Prior to commencement of construction; a State Highway Utility Permit from CDOT.
 - v. Prior to commencement of construction a CDPHE general permit for stormwater discharges associated with construction activities.
 - vi. Prior to commencement of construction, a State Highway Access Permit from CDOT.
 - vii. Prior to commencement of construction, a Construction Dewatering Permit from the Colorado Department of Public Health and Environment.
 - viii. Prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
 - ix. Prior to commencement of construction, an Air Pollution Emission Notice (APEN) from the Colorado Department of Public Health and Environment.
 - x. Prior to commencement of construction, a permit for work in any ditch rights-of-way from individual ditch companies.
 - xi. Development Agreement (DA)
 - xii. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in the DA.
 - xiii. Prior to commencement of construction, an approved adjudication of water rights and a plan of augmentation.
 - xiv. Prior to commencement of construction, a FEMA approved application (i.e., Conditional

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Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).

- xv. Documentation identifying who will own and maintain open spaces.
 - xvi. Deed for public lands for dedication of public sites for open space or other civic purposes.
 - xvii. Covenants and HOA Regulations
 - xviii. Final Management Plan/Development Guide
- g. Notification Mailing List. Provide one (1) set of mailing labels for appropriate referral agencies and property owners of record within three hundred (300) feet of the property.
2. Application Certification of Completion. Within five (5) working days, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.
 3. Notice. In order to provide an opportunity for referral agencies and the public to review any final plat for changes, the Town shall send a notice of the Planning Commission public hearing, with appropriate final plat materials for review.
 4. Staff Review and Report to Planning Commission. Staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
 5. Planning Commission Public Hearing and Action. The Planning Commission shall hold a public hearing to review the final plat based on the Town's final plat review criteria. The Planning Commission hearing will be scheduled within forty-five (45) days of application. They shall then approve, conditionally approve, or deny the final plat application, and make a recommendation of their decision to the Town Board.
 6. Town Board Action. The final plat should be scheduled for the first available meeting after the Planning Commission hearing. The Town Board shall review and act on the final plat. The Town Board may choose to approve, approve with conditions, or deny the final plat. The applicant has a right to an appeal to the Town Board, acting as the Board of Adjustments, by written notice specifying the basis of their appeal, within ten (10) days of the decision.
 7. Applicant Addresses Town Board Conditions. The applicant shall revise the final plat based on any Town Board conditions of approval and submit it to the Town. All conditions shall be addressed to Town staff's satisfaction prior to submittal of final plat Mylars.
 8. Original Plats. The applicant shall submit to the Town Clerk three (3) original, signed Mylars of the final plat ready for the Mayor and Clerk to sign and record, and final executed copies of all agreements. Original Mylars and documents shall become the property of the Town.
 9. Complete Engineering Plans and Specifications. The applicant shall prepare and submit the following as part of the final approval by the Town.
 - a. Construction Plans and Profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State of Colorado. Plans shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - ii. Minimum horizontal scale: 1" =100'.
 - iii. Minimum vertical scale: 1" =10'.
 - iv. The typical road geometric and structural cross-section is to be shown on each plan sheet.

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- v. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practices. Stationing may be centerline if approved by the town engineer. Construction plans shall include water lines and appurtenances, sewer lines and appurtenances, and storm water lines and appurtenances and any other wet utilities such as non-potable water systems and irrigation ditches.
- vi. The profiles shall include existing and proposed grade at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return (PCR), point of reverse curve (PRC), and other critical points, structures, and all other features required to enable construction in accordance with the standards adopted by the Town of Ault as outlined in the Ault Municipal Code.
- vii. Signatures for all utility providers unless otherwise provided in agreement form.
- viii. Structure details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc., detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the town engineer may approve.
- ix. Final Water Report. A final water report including hydraulic analysis and pipe sizing calculations.
- x. Final Sanitary Sewer Report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations.
- xi. Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
- xii. Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted as the town engineer may approve. The plan and report must provide:
 - b. Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
 - c. Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).
 - d. Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested
 - e. Erosion control plans.
 - f. Sizing of all pipes, inlets, conveyance ways, and other appurtenances.
 - i. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details.
 - ii. Soils Report. The soils report shall detail pavement design and construction requirements and shall be submitted after over lot grading is complete.

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- g. Final Landscape and Open Space Plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan. All plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape plan. All plant materials must meet specifications of the American Association of Nurseryman for number one grade. All street trees must be selected from the Town of Ault recommended tree list.
10. Landscape Plan drawn to scale (not greater than 1" = 50') on twenty-four (24) by thirty six (36) inch sheets which includes:
 - a. Project Name
 - b. Scale, North Arrow and Date of Preparation
 - c. Existing and Proposed Streets and Street Names
 - d. Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
 - e. Location of proposed building footprints and parking areas.
 - f. Location of storage, loading and service areas.
 - g. Existing and proposed two (2) feet contours (based on USGS datum).
 - h. Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
 - i. The location of existing and proposed utilities. Utility lines can be 'ghosted' in on the landscape plan to vary the line types for cleaner drawings.
11. All existing trees within the proposed site and adjacent to the site must be accurately identified on the plan. Existing trees must be labeled as to their size, species and if they are intended to remain, be removed or transplanted. All replacement mitigation trees will need to be shown separately on the plan. Tree protection standards for existing trees to remain shall be included on the plan.
12. The extent and location of proposed trees, shrubs and perennials and quantities of each species. Plant materials are to be drawn at two-thirds (2/3) of its mature size.
13. Landscape schedule including the represented plant symbol, Latin name, common name, planting size and number of individual plants. All plant materials are to meet the minimum size requirements as provided in Town Design Guidelines under Title 16.
14. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, etc. Grass areas are to be specified as seed or sod, and a seed mix/rate specified.
15. Sight distance triangles must be shown at street intersections pursuant to the table within this Code.
16. Project specific landscape notes and details to ensure the proper planting, establishment and survival of plant materials. Additional notes detailing the warranty for plant materials and continued maintenance shall be included as well.
17. Open space trail network and pedestrian circulation system.
18. Areas to be irrigated and method of irrigation.
19. Proposed grading of the project site, including drainage swales, detention basins and retaining walls. Off-site grading for infrastructure improvements will need to be included as well.
20. Notes for conservation and retention of topsoil and landscape soil preparation.
21. Restoration, revegetation or enhancement of disturbed natural areas or open space feature.
22. Park/open space structures, signage, play equipment, and other landscape amenities and appurtenances.

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- a. A "PDF" file and an AutoCAD drawing file of the final plat in an electronic format specified by the town engineer. `
23. Improvements Guarantee. Prior to commencement of construction, the applicant shall provide to the Town collateral in a form approved by the Town, guaranteeing adequate safe closure of all public improvements for each phase of construction necessary for the subdivision. The amount of the security shall be one hundred and fifteen (115) percent of the estimated cost as approved by the town engineer of constructing all public improvements, unless otherwise provided in the development agreement.
24. Deed for Public Lands. The applicant shall submit to the Town a warranty deed and title insurance for all lands dedicated on the final plat and accepted by the Town.
25. Raw Water Dedication. Prior to the issuance of a building permit, the applicant shall provide to the Town sufficient raw water or rights thereto for that permit. At the time of final plat, all water necessary for irrigation of parks, open space, golf courses, playing fields, and similar public areas shall be dedicated to the Town per this Code.
26. Post Approval Actions. Prior to issuance of a building or grading permit, the applicant shall submit the following documentation to the Town:
 - a. List of Contractors. List of all contractors that will be performing the improvements.
 - b. Proof of Insurance. Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - c. Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
 - d. Construction traffic control plan. Applicant will develop a plan for town engineer review that addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.
 - e. Other certificates, affidavits, enforcements or deductions as required by the Town.
- C. Final Plat Review Criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's final plat application:
 1. The Final Plat is in substantial conformance with the approved Concept Plan and/or Preliminary Plat. For the purposes of this Code, "substantial conformance", including design adjustments made to meet any conditions of preliminary plat approval, is determined as follows:
 - a. Does not change any land use of the proposed plat.
 - b. Does not change the number of lots or residential density significantly.
 - c. Does not contain changes, which would render the final plat in nonconformance with requirements of this Code.
 - d. Does not contain significant changes in street alignment and/or access points, or other public elements such as drainage improvements, utility lines or facilities.
 - e. Does not change any measurable standard (other than above) significantly.
 2. The development complies with this Code and the Ault Comprehensive Plan.
 3. All applicable technical standards including the provision of water in sufficient amount and quality have been met.
- D. Timeframe Related to Approval of Final Plat. A final plat is in full force and effect for a period of three (3) years from date of recordation unless a longer timeframe is specifically allowed by the Town in an approved

development agreement or unless public improvements are completed and accepted on all or a portion of the final plat. Applicants may formally request a single, one (1) year extension from the Town prior to termination of final plat approval. Prior to the expiration of the original three (3) year time frame or the extension (four (4) year total) timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements.

16.04.070. 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.
- B. A Review can be obtained for those requesting a minor replat which changes the number of lots in a recorded plat. The purpose of the review is to serve as a means of obtaining a more expedient re-subdivision approval than that of the complete subdivision process. The minor re-platting of a recorded plat may be granted if the applicant can demonstrate that the proposed re-platting meets all of the following criteria:
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;
 2. Drainage and utility easements shall not be changed unless supported by complete engineering data acceptable to the town engineer;
 - a. Street locations and street rights-of-way shall not be changed;
 3. No perimeter boundary of a recorded subdivision plat is affected.
 4. The plat shall not be altered in a way which will adversely or substantially affect the character of the plat filed;
 5. The minor replat shall not create more than five (5) lots.
- C. Review Conference. Prior to a determination on a request for a minor replat, the modified plans shall be submitted for review by the Development Review Team ("DRT") in an informal conference with the sub-divider/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 DRT shall determine whether such request may be granted as an administrative matter or must be referred to the Planning Commission and Town Board and shall communicate its decision to the sub-divider/applicant within ten (10) days of receiving the completed application.
- D. Submittal Requirements. The minor replat shall be an original drawing in black ink on twenty-four by thirty-six inches (24" x 36") single/double matte Mylar or a photographic blackline positive Mylar of the same and shall contain the following information:
1. Subdivision name, prior subdivision name, city, county, and state;
 2. Legal description of the subdivision and land area contained therein;
 3. An Ownership and Encumbrance Report from a title company showing all holders of legal interest in the affected property;
 4. "Amendment History" Section outlining previous approval dates of final plats and the changes being proposed;
 5. Surveyor's certificate;
 6. Boundary lines, fully dimensioned of the subdivision and all newly created lots;
 7. Scale (graphic and written), and north arrow;

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- 8. The submittal may include letters of comment from any referral agencies, departments, and/or homeowners' associations, where appropriate; and
- 9. Other information deemed necessary by the Town staff to respond to the request.
- E. Review and Recordation. Where the re-platting complies with the appropriate requirements of these regulations, the plat, along with the developer's agreement, if any, shall be submitted to the Planning Commission for review and recommendation and the 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.
- F. Fees. As determined by Resolution of the Board.

(Ord. 415)

16. 04. 075. Lot Line Adjustments

- A. Definition "Lot Lines" are the boundaries or perimeters that define a parcel of land.
- B. An administrative review can be obtained for those requesting adjustment of the lot lines between two (2) adjacent parcels of land so long as no additional parcels are created. The purpose of the administrative review is to serve as a means of obtaining a more expedient process rather than redoing the site plan for the plots in question. Approval is discretionary with Town staff, and may consider adjusted lot sizes, reasons for the lot line change, and effect on surrounding parcels.
- C. An approved lot line adjustment shall be reflected by deeds between the parcels changing record ownership to reflect the adjusted lot lines if the adjoining parcels are held by different owners. A mylar reflecting the changes will be submitted for recording.

(Ord. 465)

16. 04. 080. Development Agreements

- A. Agreements and Improvements. A development agreement stating that the applicant agrees to construct any required public improvements shown in the final plat documents together with security in a form approved by the Town attorney is required. No subdivision plat shall be signed by the Town or recorded at the office of the Weld County Clerk, and no building permit shall be issued for development until a development agreement between the Town and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Board to ensure that all improvements will be completed in a timely, quality and cost-effective manner.
- A. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
 - 1. As required by this Code and all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.
- B. Time for Completion. Commencement of construction of all or a portion of the approved final plat shall occur within three (3) years from the date of recordation of said final plat. The required time for the completion of all required improvements for all or a portion of said final plat shall be three (3) years from the Town's issuance of a grading or other permit to commence construction. However, the Board may, for good cause shown, extend such

time for commencement or completion of the required improvements upon request from the applicant. Upon completion of such improvements within the required time and approval thereof by the Town, the Town shall cause the cash or letter of credit, excluding the retainage for warranty security, to be released within thirty (30) days of the Town's initial acceptance of such improvements and receipt of the required as-built drawings; however, the Town will retain ten (10) percent security of the original until final acceptance at the end of the two (2) year warranty period. When such improvements are not completed within the required time, the Town may cause the proceeds of the cash or letter of credit to be used to close or complete the required improvements in accordance with the terms and provisions of the development agreement.

- C. Partial Release of Security. During construction of required improvements, the applicant may from time-to-time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the town engineer. The required warranty period shall commence upon completion and initial approval of all required improvements and landscaping in accordance with the terms and provisions of the development agreement. Full and complete acceptance of the project will occur at the termination of the warranty period after final inspection.
- D. Warranty. All workmanship and materials for all required improvements shall be warranted for a minimum period of two (2) years by the applicant as specified in the development agreement and this Code.

16.04.090. Sales Prior to Recording of Final Plat

- A. Applicability. Except as provided in this section, it is unlawful for any sub-divider or agent of a sub-divider to transfer or sell or advertise, offer, or agree to transfer or sell any separate interest in property before a final plat for such subdivided property has been approved in accordance with the provisions of this article and recorded in the office of the County Clerk and Recorder.
- B. On every land use application where the Board or Commission will be acting in a quasi-judicial manner such body shall enter findings of fact in support of its' decision to approve or deny any project or variance. The findings shall include:
 - 1. That the Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).
 - 2. That the proposed (development/variance) is located in the [Insert actual zoning district] planning zone.
 - 3. That the proposed use is within the uses authorized for the proposed location.
 - 4. That based upon the evidence presented by the applicant and the reports of Town staff;
 - a. The proposal is consistent with the comprehensive plan
 - b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent developed agreement.
 - c. The impact on the neighborhood is/is not acceptable in light of the benefits to be obtained by the granting of the application.
 - 5. That the application/variance shall/shall not be subject to future review or revocation. (If so, when and under what conditions?)
 - 6. (If approved) the staff is authorized to prepare a development agreement for Board Approval consistent with their findings.

Chapter 16.05 Site Plans

Sections:

16.05.010 Site Plan

16.05.020 Findings

16.05.010. Site Plan

A. Site Plan Purpose. The site plan is a prerequisite to a building permit for all multi-family, commercial, industrial developments and uses requiring additional review. The site plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations. Site plan application process:

1. Pre-Application Conference. A pre-application conference with the town engineer, his designee, or the Development Review Team from the Town is required before the applicant may submit a site plan application. Topics to be discussed will include:
 - a. The provisions of this Code and the applicable requirements;
 - b. The application and review process;
 - c. Submittal requirements; and
 - d. Changes or modifications based on direction from the Town.
 - e. Schedule/Timeline.
2. Site Plan Application Submittal. The applicant may submit the complete site plan application to the Town. The site plan application package shall be formatted and packaged per the application submittal checklist provided by the Town:
 - a. Land Use Application Form.
 - b. Application fee and agreement to pay all land use application fees.
 - c. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of the site plan application submittal.
 - d. Property tax statement.
 - e. Surrounding and interested property ownership report. Provide the Town with a list and set of mailing labels not more than thirty (30) days old, of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify the report is complete and accurate.
 - f. Site Plan Map - The site plan map shall provide the detailed information, which is outlined in Site Plan Checklist.
 - g. Sound mitigation plan.
 - h. Demonstrate in written and graphic form how the proposed site plan is consistent with this Code and the comprehensive plan.
 - i. Grading and drainage plan and report. This plan and report must be certified by a Colorado registered professional engineer and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control plans & specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications required.

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- j. Utility plans and report. A registered professional engineer shall prepare this plan. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
 - k. Soils report/Geotechnical report if required by Town Engineer.
 - l. Landscape and open space plan. The landscape plan must address the treatment of all exterior spaces. Landscape plans are to be designed to meet the requirements of this Code and show approximate location of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the plan.
 - m. Traffic study. Unless waived by the town engineer with the approval of the Town Board, a traffic study must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The projects direct roadway impacts and proposed share of regional improvements and intersections must be identified.
 - n. Exterior Elevations of Proposed Structures/Graphic Visual Aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, materials samples and/or computer visualizations when the impacts of a proposal warrant such information.
 - o. Lighting plan.
 - p. Floodplain use permit from the Town.
 - q. Right-of-way access permits.
 - r. Covenants and HOA Regulations.
 - s. Development Agreement (DA), if required. (Refer to Section 16.4.70)
 - t. Other agreements.
3. Application Certification. Within five (5) days of a submittal, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application support materials.
 4. Site Plan Letters of Support. Within thirty (30) working days of receipt of the site plan, the applicant shall provide the Town with letters of support from all utility providers that will be serving the property.
 5. Staff Reviews Application and Prepares Comments. The Town Clerk or the Clerk's designee will review the site plan map to determine its consistency with the Code and the comprehensive plan. Staff may consider comments received during the referral period in its review of the site plan. Following the review, staff will prepare a written report to accompany the project in presentation to the Planning Commission and the Town Board.
 6. Improvement Agreement. Staff may require that the applicant execute an improvement agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan.
 7. Planning Commission Public Meeting and Recommendation. The Planning Commission shall hold a meeting, open to the public, to review the application based on the site plan review criteria. The Planning Commission shall then make a recommendation to the Town Board to approve, conditionally approve, or deny the application.
 8. Town Board Public Meeting and Action. The site plan should be scheduled for the first available meeting after the Planning Commission meeting. The Town Board shall review and act on the site plan based upon

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the recommendation of the Planning Commission. The Town Board may choose to approve, approve with conditions, or deny the site plan.

9. Submit and Record Site Plan. Upon approval by the Town Board, the applicant shall have thirty (30) days to submit two (2) original, fully executed Mylar drawings of the approved site plan to the Town Clerk for recording, which shall occur before any building permit. Approval needs to be re-started after ninety (90) days.

10. Post Approval Actions

- a. Building Permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
- b. Phasing and Expiration of Approval. The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval, or as otherwise described in the approved phasing plan.

B. Site Plan Review Criteria. In addition to all requirements of this Code, the site plan must meet the following review criteria:

1. All of the information required on a site plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.
5. The density and dimensions shown conform to the applicable Town Zoning Code Density and Dimensional Standards.
6. The applicable provisions of this Code have been adequately addressed and the proposed improvements conform to this Code.

C. Amendments to Approved Site Plans.

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
2. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this section.

16.05.020. Findings

- A. On every Land Use application in which the Board will be acting in a quasi-judicial manner, it should enter a Resolution making findings of fact in support of its' decision to approve or deny any project or variance (this is

already in our system for annexation.) Without the benefit of the final Code as it will be enacted, the following findings are somewhat generalized, but should include:

1. That the Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).
 2. That the proposed (development/variance) is located in the [insert actual zoning district] planning zone.
 3. That the proposed use is within the uses authorized for the proposed location.
 4. That based upon the evidence presented by the applicant and the reports of Town staff;
 - a. The proposal is consistent with the comprehensive plan
 - b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent developed agreement
 - c. The impact on the neighborhood is/is not acceptable in light of the benefits to be obtained by the granting of the application
1. That the application/variance shall/shall not be subject to future review or revocation. (If so, when and under what conditions?)
 2. (If approved) That staff is authorized to prepare a development agreement for Board Approval consistent with their findings.

Chapter 16. 06 Supplementary Regulations

Sections:

- 16. 06. 010 Uses Permitted
- 16. 06. 020 Reserved
- 16. 06. 030 Moved to 17.02
- 16. 06. 040 Reserved
- 16. 06. 050 Minimum Height of Buildings
- 16. 06. 060 Minimum Yards
- 16. 06. 070 Minimum Floor Area
- 16. 06. 080 Swimming Pools – Fencing-Setbacks
- 16. 06. 090 Spas and Hot Tubs – Fencing-Setbacks
- 16. 06. 100 Variances for Setbacks and Other Matters Arising Under 16.06

16. 06. 010. Uses Permitted

In any zoning district where a building, structure or use is enumerated, any other building, structure, or use which is similar to those enumerated and not more obnoxious or detrimental to the area in which it is located shall be permitted.

16. 06. 020. Reserved

16. 06. 030. Moved to 17.02

16. 06. 040. Reserved

16. 06. 050. Minimum Height of Buildings

Basement structures: all dwellings, shall be constructed with at least seventy five percent (75%) of the roof surface higher than eight feet (8') from grade.

16.06.060. Minimum Yards

- A. Developed Areas. Where lots comprising fifty percent (50%) or more of the frontage on one (1) side of a street between intersecting streets have been improved with buildings at the time of passage of this Ordinance, the average front yard or setback of such buildings shall be the minimum front yard or setback required for all new construction in such block.
- B. Reduction. No part of a yard required for any building "for the purpose of complying with the provisions of this Ordinance shall be included as a yard for another building, and all yards shall be open and unobstructed except as otherwise provided herein.
- C. Architectural Features. Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two feet (2').
- D. Fire Escapes. Fire escapes may extend into a required yard not more, than six feet (6').
- E. Reversed Corner Lots. The side yard along the street side of a reversed corner lot shall be not less than the required front yard for principal buildings along such side street.
- F. Normal Corner Lots. The side yard along the street side of a normal corner lot (not a reverse corner lot) shall be twenty-five feet (25') setback for the zone in which such lot is located.
- G. Accessory Buildings. Permitted accessory buildings may be located in the required side or rear yard for a principal building provided such accessory buildings are located at least five (5) feet on each side from any principal building, or other accessory buildings.
- H. Minimum Rear Yard. Minimum rear yard for principal buildings is twenty feet (20'). Accessory building minimum rear yard is five feet (5').
- I. Minimum Side Yard. No residential dwelling shall be located nearer than five (5) feet to any side lot line but shall be at least one foot (1') for every three feet (3') of building height as measured from finished exterior grade at the sidewall of the dwelling. Accessory buildings, five feet (5') on each side. Side yard abutting a street, twenty-five feet (25').
- J. Lot Size. A lot may be occupied according to the permitted uses provided for the district in which such lot is located provided no such lot shall be less than seven thousand (7,000) square feet in area nor less than seventy-five feet (75') in width.
- K. 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.
- L. Street Frontage. No lot shall have a front lot line or street frontage of less than seventy-five feet (75').

16.06.070. Minimum Floor Area

In determining the minimum floor area as required, all measurements, shall be along outside walls of the living area, not including garage or carport area.

16.06.080. Swimming Pools – Fencing-Setbacks

Swimming Pools having a depth greater than eighteen inches (18") shall be enclosed by fencing which is not readily climbed by children and contains no opening larger than four inches (4"). Fencing shall not be less than four feet (4') in height and equipped with a gate. Such gate shall be self-closing and shall have the release mechanism located at least fifty-four inches (54") above the bottom of the gate. The bottom gap between fence and grade shall not exceed two inches (2"). Any fence constructed pursuant to this section shall comply with 16.06.10 of this zoning ordinance.

Exception: Pre-fab pools with walls at least four feet (4') above grade. These pre-fab pools shall have ladders or entrances to the pool area designed to prevent people gaining access to the pool without the owner's consent. Swimming pools and related mechanical equipment shall have a minimum five-foot (5') setback from all property lines. There shall be no swimming pools located in any required yard adjacent to a street where fencing as required above is not allowed.

16.06.090. Spas and Hot Tubs – Fencing-Setbacks

All spa's and hot tubs shall be enclosed by fencing which is not readily climbed by children and which contains vertical openings not larger than four inches (4"). Fencing shall not be less than four feet (4') in height and equipped with a gate. Such gate shall be self-closing and shall have the release mechanism located at least forty eight inches (48") above the bottom of the gate. The bottom gap between fence and grade shall not exceed two inches (2"). Any fence constructed pursuant to this section shall comply with the Town of Ault's zoning ordinances. In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of one hundred fifty pounds (150#). Such cover shall be locked when such spa or hot tub is not in use. Spas and hot tubs shall be located five feet (5') from all property lines unless screened from view from adjoining property by at least a six foot (6') high privacy fence. There shall be no spas or hot tubs located in any required yard adjacent to a street where fencing required above is not allowed.

16.06.100. Variances for Setbacks and Other Matters Arising Under 16.06

A. General Provisions

1. Application. Any person to whom this chapter would otherwise apply may make application for variance of the requirements of this chapter in the same manner as a zoning variance request or conditional use application, pursuant to Section 16.03.70 of this Code, upon forms to be provided by the Town Clerk. Any such application shall succinctly state the grounds upon which variance is sought and shall be submitted to the Town of Ault for purposes of a substantive, public hearing.
2. Hearing. At any hearing on application for variance to this chapter, the Planning Commission shall hear and take testimony and evidence of each and every kind relevant to the issues whether application of this chapter would occasion undue, practical difficulties for the applicant, and would not be detrimental to the health, safety and welfare of the Town of Ault and its residents. Safety of land or building users, traveling public, parcel size, shape, topography, use, vehicular entrances and exits, present and reasonably foreseeable future widths of right-of-way, road site distance, reasonably foreseeable future road improvements or changes, loss of right to use subject land, shall be items considered at any hearing.
3. Finding. If at hearing on application for variance to this chapter the Town Board sitting as the Board of Adjustment shall find that application of the normal setback herein contained would cause undue and practical difficulties to the applicant and the granting of the variance would not be detrimental to the health, safety and welfare of the Town of Ault and its residents, the Board of Adjustment shall have authority to grant such variance upon such conditions as shall be deemed necessary and proper to preserve harmony with the general purpose and intent of this chapter.

B. Notice and Penalties

1. Notice to Builders. At the time any building permit application is submitted to the Commission, the applicant shall be given written notice of the applicable setback requirements for his proposed structure, as the same are related to county road rights-of-way bounding the real estate whereupon such structure is to

be situated.

2. Penalties. Any person who shall on or after the effective date of the Ordinance codified in this chapter construct, erect, build, or commence construction, erection, or building, of any structure in violation of any setback established hereby, relative to county rights-of-way, shall be subject to the penalties provided in this Code.

Chapter 16. 07 Sign Code

Sections:

- 16. 07. 010 Intent
- 16. 07. 020 General Regulations
- 16. 07. 030 Permitted Accessory Signs in Residential Districts
- 16. 07. 040 Permitted Accessory Signs in Agricultural, Commercial, and Industrial Districts
- 16. 07. 050 Canopy and Awning Signs
- 16. 07. 060 Non-Accessory Signs
- 16. 07. 070 Public Agency Signs
- 16. 07. 080 Non-Conforming Signs
- 16. 07. 090 Removal of Signs
- 16. 07. 100 Sign Permits

16. 07. 010. Intent

The following regulations are intended to protect property values, create a more attractive business climate, enhance and protect the physical appearance of commercial and industrial areas, prevent the deterioration of any scenic areas and natural beauty and, in general, promote a desirable community environment through the regulation of existing and proposed outdoor signs. These regulations are further intended to reduce potential traffic hazards that may be caused by signs projecting over public rights-of-way.

(Ord. 327, S2, 1989)

16. 07. 020. General Regulations

The following regulations shall apply to all signs, either accessory or non-accessory, in all zoning districts, regardless of designation of the Town.

- A. No sign shall be erected on the roof of any building.
- B. Signs shall not be illuminated by or contain flashing, intermittent rotating or moving light or lights. The only exceptions shall be signs which provide a legitimate public service, such as the giving of time and temperature.
- C. No sign or part thereof shall contain or consist of ribbons, streamers, spinners or similar moving, fluttering or revolving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention where not part of a sign.
- D. Unpainted signs, broken signs, and signs on vacated buildings shall be removed from the premises on order of the Town Board.
- E. Signs pertaining to special events which refer to particular periods or points of time, such as meetings, sales,

exhibitions and vacancy announcements, shall be permitted, provided that such signs shall be removed when no longer applicable in time.

- F. Along arterial streets and roads, no sign shall obscure vision or views of the natural landscape or the larger urban area, nor shall any sign be distracting to motorists.
- G. No sign shall be erected at the intersection of any street or road in such a manner as to obstruct clear vision, nor shall any sign be erected at a location where by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with any traffic sign or signal or traffic control device.
- H. No sign may project over a public right-of-way in any district, except that signs eight feet (8') or more above grade may project up to forty-eight inches (48") from the face of the building if the total area for such signs is the lesser of one square foot of sign for each square foot of lineal or building frontage upon which such sign is displayed, or twelve (12) square feet per face. In addition, flush wall signs at least eight feet (8') above ground level may extend up to twelve inches (12") beyond the building facia at the base of the sign. Signs projecting over private property shall not project more than six feet (6') from the face of the building.
- I. Signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.

(Ord. 327, Section 2, 1989)

16.07.030. Permitted Accessory Signs in Residential Districts

In single-family residential and multi-family residential districts, no sign shall be erected or maintained except the following permitted signs:

- A. A sign identifying property or the name of the owner or occupant of property, provided that such sign is not in excess of two (2) square feet in area and provided further that no more than one (1) such sign is erected on any single lot or parcel.
- B. Signs pertaining to the lease or sale of the property on which they are located or of any building thereon, provided that such signs do not exceed eight (8) square feet in area per sign, and further provided that not more than two (2) such signs are located on any single lot or parcel.
- C. An accessory sign identifying any of the following uses in a residential district shall not be in excess of twenty (20) square feet, and further, not more than one (1) such sign shall be erected on any single lot or parcel. Freestanding signs identifying such uses shall not be in excess of five feet (5') in height and shall be offset and set back a minimum of twenty feet (20') from the traveled way:
 - 1. Public or private school;
 - 2. Church;
 - 3. Nursing or rest home;
 - 4. Public park or recreation area.

(Ord. 327, Section 2, 1989)

16.07.040. Permitted Accessory Signs in Agricultural, Commercial, and Industrial Districts

In agricultural, commercial and industrial districts, accessory signs shall not be erected or maintained, except in conformity with the following regulations:

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- A. Any accessory sign shall identify only the name of the owner, trade name, trademark or product symbol, products sold and/or the business activity conducted on the premises whereon such sign is located.
- B. Not more than one (1) sign attached or applied to the building facade or wall and not more than one (1) freestanding sign shall be permitted to each street frontage of an agricultural, commercial or industrial use.
- C. No freestanding sign shall exceed twenty feet (20') in height from the surface of the ground, and no attached sign shall project higher than the eave or parapet line of the wall to which it is attached.
- D. Freestanding signs shall be set back and offset a minimum distance of ten feet (10') from the traveled way.
- E. Freestanding signs identifying individual uses shall not exceed fifty (50) square feet in area for each one hundred feet (100') of street frontage of the lot or parcel on which the use is located.
- F. Signs attached to the wall or facade of any agricultural, commercial or industrial use shall cover not more than ten percent (10%) of the total area of the wall on which they are mounted. If the sign uses the wall material as background, the total coverage shall be calculated as the sum of the areas required to circumscribe the individual letters or symbols.
- G. Symbolic signs, such as a barber pole, mortar and pestle, etc., which are traditional in nature and size, shall be permitted.
- H. Directional signs not to exceed two (2) square feet in area may be erected as needed.

(Ord. 327, Section 2, 1989)

16.07.050. Canopy and Awning Signs

No canopy sign shall project above the top of the canopy upon which it is mounted, nor shall it project from the face of the canopy. Under-canopy signs perpendicular to the face of the building shall be considered projecting wall signs. No awning sign shall project above the awning upon which it is mounted nor shall it project from the face of the awning. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven feet (7') from the face of the supporting building and must be eight feet (8') above any public right-of-way.

(Ord. 327, S2, 1989)

16.07.060. Non-Accessory Signs

No person may obstruct a public sidewalk or right of way with personal property, displays, or signs except as allowed pursuant to this Code;

- A. Authorized Sandwich Board signs kept and maintained as allowed in this section;
 - 1. As used in this section, Sandwich Board signs shall mean A frame signs of solid material on which business advertising or menu items are written;
 - 2. Up to one Sandwich Board type sign is allowed. Sandwich Boards must be removed upon close of business each day and may be replaced the following day;
 - 3. Sandwich Board signs may be a maximum of eight (8) square feet, no more than twenty-four inches (24") wide and no more than forty-eight inches (48") high.
 - 4. All Sandwich Boards shall be securely placed within twelve inches (12") of either the exterior wall of the business establishment or the curb of the sidewalk, at a site which does not constrict the useable width of the sidewalk to less than three feet (3').

(Ord. 473 Section 1) (Prior Ord. 327, Section 2, 1989)

16. 07. 070. Public Agency Signs

The provisions of this section shall not apply to the signs erected by national, state, county or municipal government agencies, including traffic and informational signs.

(Ord. 327, Section 2, 1989)

16. 07. 080. Non-Conforming Signs

Signs erected prior to the enactment of the chapter, which signs do not conform to the sign regulations contained herein, shall not be expanded, enlarged, modified or changed in any way except in conformity with these sign regulations.

(Ord. 327, Section 2, 1989)

16. 07. 090. Removal of Signs

Any signs existing on or after the date of enactment of this chapter, which signs identify a business or activity which no longer exists or a product which is no longer sold on the premises, shall be removed by the owner of the premises upon written notice of the Town. The Town, upon determining that such exists, shall notify the owner of the premises, in writing, to remove such sign within thirty (30) days of the date of the notice.

(Ord. 327, Section 2, 1989)

16. 07. 100. Sign Permits

- A. No sign shall be erected, enlarged, modified or changed within the Town without a sign permit first being obtained.
- B. Any person, business, association or corporation desiring to erect, modify, enlarge or change a sign shall first submit an application setting out, in such detail as may be reasonably established or requested by the Town, a description of the sign, the nature of the change, enlargement or modification, if applicable, and a picture or drawing of said sign as proposed.
- C. The application for the permit shall be accompanied by a fee to defray the costs of processing the application and issuing the permit, said fee to be set by Resolution by the Board of Trustees from time to time.

(Ord. 327, Section 2, 1989)

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Title 17 - Land Use Design

Chapters:

- 17. 01 Definitions
- 17. 02 Design Standards
- 17. 03 Reserved
- 17. 04 Required Improvements
- 17. 05 Reserved
- 17. 06 Dedications and Reservations

Chapter 17. 01 Definitions

Sections:

- 17. 01. 010 Interpretation of Language
- 17. 01. 020 Definitions Generally

17. 01. 010. Interpretation of Language

The language set forth in the text of this title shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The word "shall" is mandatory, while the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.

(Ord. 183 §10, 1972)

17. 01. 020. Definitions Generally

The words and terms set out of this chapter, wherever they occur, shall be construed as defined in this chapter. (Ord. 183 §10(part), 1972)

- A. Block. "Block" means a parcel of land bounded on all sides by a street or streets.
- B. Comprehensive Plan. "Comprehensive plan" means the Master Plan contemplated by the Colorado Revised Statutes §31-23-206 as 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.
- C. 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.
- D. Dedication. "Dedication" means a grant by the owner of property rights land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.
- E. Easement. "Easement" means a dedication of land for a specified use, such as providing access for maintenance of utilities.
- F. Fee Simple. "Fee Simple" or "fee simple" absolute is an estate in land, a form of freehold ownership. It is a way that

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real estate and land may be owned in common law countries, and is the highest possible ownership interest that can be held in real property

- G. Lot. "Lot" means a parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.
- H. Person. "Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity including a joint venture or affiliated ownership. The word "person" also means a municipality or state agency.
- I. Plat. "Plat" means a map, drawing or chart upon which the sub-divider presents proposals for the physical development of a subdivision, and which he submits for approval and intends to record in final form when approved by the Town.
- J. Reservation. "Reservation" means a legal obligation to keep property free from development for a stated period of time, not involving any transfer of property right.
- K. Rights-of-Way. "Rights-of-way" means the width between property lines of a street.
- L. Street. "Street" means a way for vehicular traffic, further classified and defined as follows:
1. "Arterial streets" are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another.
 2. "Collector streets" are those which collect traffic from local streets and carry it to arterial streets or to local traffic generators such as neighborhood shopping centers and schools. Collector streets include the principal entrance streets to a residential development, those linking such adjacent developments, and those streets providing circulation within such developments.
 3. "Local streets" are those used primarily for direct access to properties abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic.
- M. Sub-divider or Developer. "Sub-divider" or "developer" means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined in this chapter, including any agent of the sub-divider.
- N. Subdivision. "Subdivision" means:
1. The division of a parcel of land into two (2) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.
 2. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements, water, storm drainage or other public utilities or facilities.

(Ord. 183 §10 (part), 1972)

Chapter 17. 02 Design Standards

Sections:

17. 02. 010 General Site Considerations

17. 02. 020 Streets

17. 02. 030 Utilities Easements

- 17.02.040 Parking
- 17.02.050 Landscaping
- 17.02.060 Fences and Walls
- 17.02.070 Lighting

17.02.010. General Site Considerations

- A. A proposed subdivision shall be in general compliance with respect to adequate dedication and/or reservation of major street rights-of-way, major utility easements and open spaces for schools and recreation areas.
- B. 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 is necessary, the sub-divider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost.
- C. No land shall be subdivided in areas where soil, subsoil or flooding conditions are a potential danger to health and safety.
- D. Drainage areas wherever possible shall be left in a natural state, and no encroachment shall be made on the natural channel. Multiple use of drainage and park facilities as, for example, through use of retention ponds is encouraged. A plan to prevent water pollution shall be submitted and adhered to whatever any modification of topography is required during construction within one hundred feet (100') of any stream, ditch or drainage channel.
- E. Provision shall be made to preserve groves of trees, streams, unusually attractive topography, and other desirable natural landscape features through private covenants.
- F. A proposed subdivision with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces.
- G. Where a subdivision borders a railroad right-of-way, freeway, or arterial street, a landscaped buffer area shall be provided for adequate reduction of noise.

(Ord. 183 §5(1), 1972)

17.02.020. Streets

- A. Arrangement of Streets.
 - 1. 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.
 - 2. Local streets shall be arranged so that their use by through traffic will be discouraged.
 - 3. Arterial streets shall not be intersected by local streets. Collector streets shall not intersect arterial streets at intervals of less than one thousand three hundred twenty feet (1,320').
 - 4. Streets shall be extended to the boundaries of the property, except where such extension is prevented by 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.

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5. Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of eight feet (8') shall be provided.

B. Closed-end Streets.

1. The maximum allowable length of closed-end streets in single-family residential and multifamily residential development shall be six hundred feet (600').
2. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred twenty feet (120'), and a minimum pavement diameter of ninety feet (90').

C. Intersection. Streets shall intersect at right angles.

D. Half Streets. The dedication of half streets shall not be accepted unless:

1. The sub-divider obtains for the Town a dedication from the abutting landowner of the other one-half of the street; and
2. The sub-divider obtains from the said abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half-street within a time suitable to the Town; and
3. The sub-divider guarantees the construction of the improvements on the half-street which he is dedicating.

E. Perimeter Streets. When the plat dedicates a street which ends on the plat or is on the perimeter of the plat, the sub-divider shall convey the last foot of the street on the terminal end or outside border of the plat to the Town in fee simple (see definition) and such shall be designated as "outlets(s)"; the Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable.

F. Right-of-Way, Pavement, and Sidewalk Widths. **See Table 17.02.01**

Table 17.02.01 - Right-of-Way, Pavement, and Sidewalk Widths

Type	Right-of-Way	Pavement	Sidewalk
Arterial	100	48	5
Collector	80	40*	5
Local	60	36*	45
Alley	20	15	---

* Measured from flow line of gutter to flow line of gutter.

G. Horizontal Alignment.

1. Where street centerlines deflect from each other at any point by more than fifteen degrees (15°), they shall be connected by horizontal curves having some minimum radii as follows:
 - a. Local streets, one hundred feet (100');
 - b. Collector streets, two hundred feet (200');
 - c. Arterial streets, four hundred feet (400').
2. A tangent not less than one hundred feet (100') long shall be provided between reverse curves on collector and arterial streets.
3. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than one hundred twenty-five feet (125') between centerlines provided that this requirement shall not apply to the alignment of short, opposing closed-end streets.

H. Vertical Alignment.

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1. No vertical grade shall be less than 0.5 percent in order to facilitate adequate drainage.
2. Maximum percent of street grade, except as provided for this subsection
 - a. Local streets, eight percent (8%);
 - b. Collector streets, seven percent (7%);
 - c. Arterial streets, five percent (5%);
 - d. Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by 0.5 percent of each fifty feet (50') that the curve radius is less than four hundred feet (400');
 - e. Street grades shall not exceed two percent (2%) for a distance extending at least forty feet (40') in each direction from a street intersection.

- I. Street Names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of, or which are in alignment with existing streets shall bear the names of such streets.

(Ord. 284 §1(part), 1986; Ord. 183 §5(2), 1972)

17. 02. 030. Utilities Easements

- A. Where necessary for installation and maintenance of utility systems, easements of at least ten feet (10') in width shall be reserved along rear lot lines, or at other locations which will not interfere with the siting of buildings.
- B. Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such watercourse, and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from a one-hundred-year frequency storm.
- C. In general, utility systems shall be arranged and located in such a manner as to avoid cross-connections, minimize trenching and adequately separate incompatible systems.
- D. Each lot shall be provided with satisfactory access to an existing public street.
- E. Double frontage and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantages of topography and orientation.
- F. A planting screen easement, across which there shall be no right of access, shall be provided along the property line of lots abutting an arterial street. A statement dissolving right of access from individual lots to the arterial street shall be included with the final plat.
- G. Insofar as practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

(Ord. 284 §1(part), 1986; Ord. 183 §5(3), 1972)

17. 02. 040. Parking

- A. Intent. The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.
- B. General Provisions.
 1. In all zone districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.

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2. Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.
3. Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.
4. Location. Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.
5. Landscaping. Parking lots shall be landscaped, screened and buffered as provided in Section 17.02.050
6. Share-access. Where feasible, parking lots shall share access drives with adjacent property with similar land uses.
7. Off-street parking design. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure.
8. Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
9. Lighting. All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties, and away from the vision of passing motorists.
10. Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.
11. Adjacent on-street parking in downtown and mixed-use areas. In order to promote a pedestrian scale and encourage a perception of safety downtown and in neighborhood commercial and mixed-use areas, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

C. Paved Off-Street Parking Requirements. Paved off-street parking shall be provided according to the minimum requirements as specified on **Table 17.02.02**.

Table 17.02.02 - Paved Off-Street Parking Requirements

USE	REQUIRED PARKING Must be outside of rights-of-way
1. Single-family detached	2 spaces per unit
2. Townhouse and duplex	1 space per bedroom, up to 2 per unit
3. Apartment dwellings	1 space per bedroom, up to 2 per unit
4. Accessory dwellings	1 space per bedroom, up to 2 per unit
5. Retail	4 spaces for every 1000 square feet of gross floor area*
6. Office/business uses	1 space for every 500 square feet of gross floor area*

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USE	REQUIRED PARKING Must be outside of rights-of-way
7. Institutional/churches	1 space for every 6 seats*
8. Business park/industrial	1 space each for the maximum number of employees present at any one time*

* Off-street parking for commercial, industrial, and institutional uses shall be sufficient to provide parking for employees of all proposed uses as well as long-term customer parking. The applicant may provide a parking study to demonstrate the project has an adequate parking supply as an alternative to standard parking requirements. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screened from the view of streets. Required parking downtown can be met with on-street and shared parking.

D. Location of Spaces.

1. Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.
2. Required off-street parking in residential zones shall not lie within the front yard setback nor within any required side yard setback adjacent to a street. (Driveway spaces within these setbacks cannot be counted for required off-street parking.)
 - a. The location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure.
 - b. Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.
 - c. Garages or required off-street parking spaces shall be set back twenty-two (22) feet from the back of the sidewalk.

E. Handicap Parking Spaces.

1. Handicap parking spaces shall be required for all retail, office, business, industrial, institutional uses, as well as multi-family units.
2. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.
3. Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.
4. Number of Handicap Parking Spaces:
 - a. For every eight (8) handicap parking spaces there must be at least one (1) van-accessible space. There is only one (1) handicap parking space, that space must be van-accessible.

F. Handicap Parking Space Dimensions

1. Parking spaces must be eight (8') feet by eighteen (18') feet with a five (5') foot wide access aisle.
2. Van-accessible spaces must be eight (8') feet by eighteen (18') feet with an eight (8') foot wide access aisle.
3. Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap accessible may have the same dimensions as those for standard vehicles.

G. Parking Stall Dimensions. Parking stalls for automobiles shall meet the following standards on **Table 17.02.03**.

All dimensions represent the minimum requirement for any required parking space.

Table 17.02.03 - Parking Stall Dimensions

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Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)	Curb Length (E)	Overhang (F)
45°	9'	19'	13'	12' 8"	1' 5"
60°	9'	20'	13'	10' 5"	1' 8"
90°	9'	18'	24'	9'	2'
0°(parallel)	8'*	8'*	12'	24'	0'

*Except along local streets where 7' is permitted.

17.02.050. Landscaping

- A. Intent. To preserve Ault and enhance new development by promoting quality landscape design that: Reinforces the identity of the community and each neighborhood;
 - 1. Provides tree-lined streets in urban areas;
 - 2. Anchors new buildings in the landscape;
 - 3. Provides tree canopies within paved areas; and
 - 4. Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate), and enhances valuable habitat.
- B. General Provisions. All land development applications, including building permits for single family residential properties, shall be accompanied by an appropriate landscape plan. All landscaping within the community shall comply with the intent of these regulations.
 - 1. Street Trees. Landscape improvements in urban settings shall create an orderly, irrigated, managed landscape. All urban neighborhoods shall have tree-lined streets. Street trees shall include a mix of species and be aligned in straight rows. Street trees shall be placed within the right-of-way tree lawn. Spacing of trees shall allow for their mature spread. Trees installed along streets that will be widened in the future shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.
 - a. Landscape improvements in conservation subdivisions, environmentally sensitive areas and lower density, rural developments shall be native-looking and informal. Streets trees in rural developments shall be planted to create irregular clusters of trees to reinforce the design and character of each project and frame views
 - 2. Site Landscape Design. Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these guidelines:
 - a. Landscaped areas shall be configured to *maximize their interconnectivity* within the site, to natural areas and to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.
 - b. Landscaped areas shall enhance functional open space through the *creation of outdoor rooms* appropriate to the location and purpose of the open space within the development. This can be accomplished through a combination of plantings, fencing and berms and by using natural features on the site. See Figure 2-16.
 - c. Landscape improvements in all developments shall be *consistent with the character* of the proposed

development and the surrounding area to reinforce neighborhood identity.

- d. Landscape design shall *enhance natural features, drainage ways and environmental resources*.
 - e. All landscape improvements shall be designed for mature landscapes and shall provide appropriate *visibility for cars and pedestrians*.
 - f. Preserve and *frame views* both into and out of the neighborhood.
 - g. Incorporate the elements of *gateway, path and destination* into the design of landscapes. Gateways are entries that provide transitions from one space to another. Pathways are routes that lead to a destination. Destinations are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street.
 - h. Landscaping shall be no more than thirty (30) inches high at maturity when located in a sight distance triangle. (Refer to definitions in Article 1 and parking lot landscaping requirements for an explanation of "site distance triangle")
3. Environmental Considerations.
- a. Landscapes shall use the following *xeriscape design principles* to facilitate water conservation:
 - i. Well-planned planting schemes;
 - ii. Appropriate turf selection to minimize the use of bluegrass;
 - iii. Use of mulch to maintain soil moisture and reduce evaporation;
 - iv. Zoning of plant materials according to their microclimatic needs and water requirements;
 - v. Improve the soil with organic matter if needed;
 - vi. Efficient irrigation systems; and
 - vii. Proper maintenance and irrigation schedules.
 - b. All landscapes shall strive to *maximize the use of native species*. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.
 - c. Landscapes shall consist of a variety of species to *enhance biodiversity*. No one species may make up more than twenty-five (25) percent of the total non-grass plant materials on the site.
 - d. Buildings and parking areas shall be located to *preserve and promote the health of existing trees, environmental resources and natural drainage ways*. No existing vegetation, particularly mature trees shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees or invasive species in conjunction with site development. All existing plants that are incorporated into the design shall be adequately protected from damage during construction. Within the drip line of any protected tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance and documentation is provided to the Town.
 - e. Prior to and during construction, barriers shall be erected around all existing vegetation to be preserved with such barriers to be of orange fencing a minimum of four (4) feet high, placed no closer than six (6) feet from the trunk or one-half (1/2) of the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris, or fill within the fenced tree area. The cleaning of equipment or material or the storage and disposal of waste material such as paints, solvents, asphalt, concrete, motor oil or any other material harmful to the life of vegetation within the fenced protected area is prohibited.
 - f. When it is not feasible to protect and retain significant existing tree(s) or to transplant them to

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another location, the applicant shall be required to replace the trees at a ratio of two (2) trees for every tree that was removed from the site.

- g. Trees shall be located to *provide summer shade and limit winter shade* on walks and streets.
- h. A combination of plantings, berms, walls and fences shall be used as appropriate to *buffer sensitive habitat*.
- i. Landscaping shall be no more than thirty (30) inches high at maturity when located in a sight distance triangle.

4. Plant Materials.

- a. The minimum planting sizes on all required landscaping shall be two (2) inch caliper deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6) foot tall evergreen trees and five (5) gallon shrubs.
- b. Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries.
- c. All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the *American Standard for Nursery Stock*, 1990 Edition, American Association of Nurserymen, Inc., (AAN-ASNS) and Colorado Nursery Act of 1965 (CNA).
- d. A combination of berming, planting and fencing to integrate land uses.

5. Irrigation. All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

- a. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.
- b. Required landscaping in urban developments shall be irrigated with a permanent irrigation system.
- c. Temporary irrigation may be used to establish native grasses and vegetation.

6. Guarantee of Installation. Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (C.O.) for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping.

7. Maintenance. In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

C. Landscaping Design Standards.

- 1. **Landscaped Area Definition.** The area within a lot or property not comprised of hardscape, measured at the ground plane. Landscape area will not include tree canopy area, bare dirt, or weeds. Water features may be included in the calculation of landscape area. Landscape area will not include rights-of-way. Landscape requirements within the right-of-way are met by complying with street tree requirements.
- 2. **Landscaping within the Right-of-Way and Required Common Open Space.** Where applicable along roadways, only the area between the ultimate build-out edge of road and the property line shall be used for street trees and other required landscaping. Areas between current edge of road and ultimate build-out edge of road shall be covered with turf only and shall be irrigated with zones separate from the rest of the right-of-way. The developer or assigns shall provide:

- a. *Street trees* - Deciduous shade trees and appropriate irrigation system shall be provided at the rate

of one (1) tree on approximately forty-foot centers in tree lawns along all streets adjacent to or within new developments and in existing neighborhoods. Where this spacing would result in a tree location in conflict with utility facilities or driveways, the spacing may be reduced or increased to facilitate the best location for tree planting purposes.

- b. *Landscaping for required common open space* - landscaping within new multifamily developments and other residential developments that have common open space shall be provided as specified within each land use category below. Landscape area shall include common open space within the development and shall be in addition to the required street trees in Paragraph (1) above.
- c. *A mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping* - such as a homeowners' association and covenants.
- d. *Financial guarantee* - in the event that grass or sod and a tree cannot be installed or planted because the planting season has passed, the developer or home builder shall provide a financial guarantee, subject to approval by the Town, to cover the costs of materials and labor for the installation or planting of grass or sod and a tree in order for the Certificate of Occupancy to be issued.

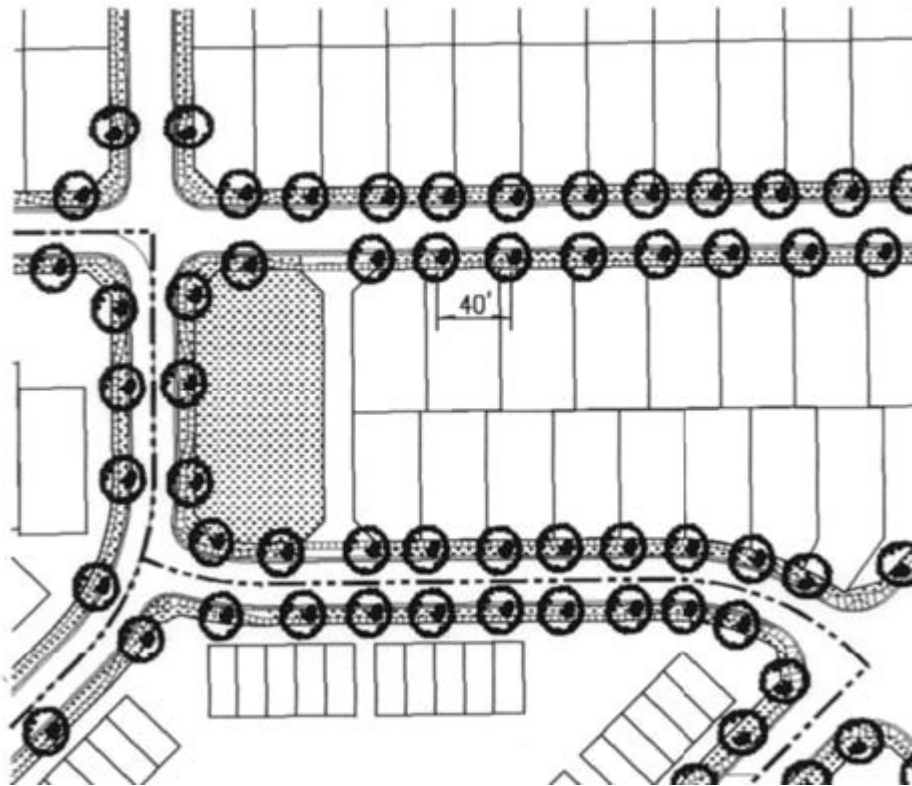


Figure 17.02.01 Provide one tree for every 40' of block frontage or portion thereof. Space trees to account for mature spread.

3. Small Lot Single Family Residential Development Landscaping Standards.

- a. In addition to landscaping the right-of-way tree lawn, the developer or assigns shall provide:
 - i. Groundcover for the front yard setback of each home. There shall be a minimum of seventy-five percent (75%) live materials between the front of the house and the curb unless otherwise approved by the Town.
 - ii. Five (5) shrubs for the front yard setback of each home.
- b. The homeowner shall:
 - i. Install remainder of yard within one year of occupation - and is encouraged to plant additional

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trees, shrubs and flowers using xeriscape principles and the general provisions set forth in this Section.

- ii. Maintain the yard and landscaping within the adjacent road right-of-way - in accordance with Town regulations.

4. Multi-Family, Mixed Use and Townhouse/Condominium Residential Landscaping Standards:

- a. In addition to right-of-way landscaping, the developer or assigns shall provide:

- i. *Site trees* - a minimum of fifteen (15) percent of the site (gross) shall be landscaped areas, this may include landscaping in parking lots, within rights-of-way, and in detention areas. A minimum of one (1) tree per one thousand (1,000) square feet of the landscaped area shall be provided and distributed on the site (anything in excess of the 15% shall not be subject to these requirements). A minimum of 50% of the total trees provided must be deciduous and a minimum of 25% of the total trees provided must be deciduous canopy trees. Trees shall be located to provide shade for structures and common open space. (Refer to *Workbook* for example of landscaped area.)
- ii. *Shrubs* - a minimum of one (1) shrub per three hundred (300) square feet of the landscaped area provided (anything in excess of the 15% shall not be subject to these requirements). Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs. Shrubs and groundcover shall be strategically placed near foundations to help anchor the structure.
- iii. *Groundcover* - irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of fifteen (15) inches. There shall be a minimum of seventy-five (75) percent live materials between the front of the house and the curb unless approved by the Town.

- b. *Landscape setback to parking lots* - thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3'-4') foot masonry or stone decorative wall. Signage may be included in this setback.

5. Large Lot Single-Family Residential Development Landscaping Standards. Landscaping shall be designed to keep natural resource areas in their natural state as much as possible and should be in character with surrounding properties.

- a. The developer or assigns shall provide:

- i. *Site trees* - a minimum of one (1) deciduous shade tree per lot per street frontage, in the front yard and on the side yard for corner lots.
- ii. *Groundcover* - for the front yard setback of each home. The groundcover may be a combination of irrigated and native grasses and wildflowers as appropriate to the design of the individual home. There shall be a minimum of seventy-five (75) percent live materials between the front of the house and the edge of roadway unless approved by the Town.
- iii. *Ten (10) shrubs* - for the front yard setback of each home.

- b. The homeowner shall:

- i. *Install remainder of yard* - The homeowner is encouraged to plant additional trees, shrubs and

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flowers using xeriscape principles and the general provisions set forth in this Section.

- ii. *Maintain the yard and landscaping* within the adjacent road right-of-way in accordance with Town regulations.

6. Business/Commercial, Industrial Development, Institutional, Public Facilities, and Non-Residential Landscaping Standards.

- a. Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of fifteen (15) percent of the site (gross) shall be landscaped area, this may include landscaping in parking lots, within rights-of-way, and in detention areas.
- b. The developer or assigns shall provide the following on that 15% of the site (anything in excess of the 15% shall not be subject to these requirements):
 - i. *Site trees* - plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area required, distributed on the site. Trees shall be located to provide shade for structures and gathering places.
 - ii. *Shrubs* - plant a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area required. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half ($\frac{1}{2}$) of the required shrubs at the rate of one (1) tree for ten (10) shrubs. Shrubs and groundcover shall be strategically placed near the foundation to help anchor the structures.
 - iii. *Groundcover* - establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five (75) percent live materials between the building and the street unless approved by the Town.
 - iv. *Landscape setback to parking lots* - thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3'-4') foot masonry or stone decorative wall. Signage may be included in this setback.
 - v. *Screen loading areas* - screen loading areas (including vehicles being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture landscaping, or a combination. Chain link fences with slats, tires or used building materials are not acceptable screening materials.
 - vi. *Compatibility* - integrate activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.
- c. The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with Town regulations.

7. State Highways 14 and 85 Corridor Landscaping Standards. The developer or assigns shall provide:

- a. *Landscape setback to parking lots* - provide a fifty (50) foot landscape setback from the highway. The purpose of the setback is to provide a buffer between the street and parking areas. Signage may be included in this setback.

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islands which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.

- ii. *Shrubs* - a minimum of one (1) shrub per three hundred (300) square feet of landscaped area. Group plantings in landscape islands.
- iii. *Groundcover* - limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.
- iv. *Landscape setback to parking lots* - thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3-4) foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.
- v. *Screening* - Parking lots shall be screened through the use of dense shrubbery, low walls, berms or a combination of these methods a minimum of three (3) feet in height, so that at least fifty (50%) percent of the light from headlights of vehicles in the parking lot is screened from view beyond the parking lot.
- vi. *Parking bays* - shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula.
- vii. *Overstory/shade trees* - shall comprise at least seventy-five (75%) percent of the trees within the landscape islands that are counted toward the parking lot landscape requirement.
- viii. *Vehicle overhang* - In areas where a vehicle may extend over a planter, trees and shrubs with a mature height of 6 inches or more is not allowed.
- ix. *Provide a mechanism for long-term maintenance of landscaping* - all landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

10. **Sight Distance Triangle.** Landscaping taller than 30" high at maturity shall not be placed within the applicable sight distance triangle, nor in any manner that impedes visibility or public safety. Any plantings must be 75" back from the centerline of the intersection. The distance of 75" will determine the back center border of the triangle.

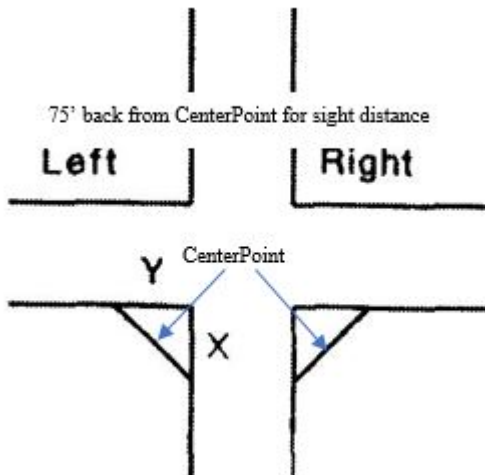


Figure 17.02.02

D. Prohibited Plant Materials List. The following list of trees are prohibited in the Ault.

1. Russian Olive (an invasive species that threatens native trees in riparian ecosystems).
2. Lombardy Poplar (susceptible to canker-forming fungi for which there are no available controls).
3. Siberian Elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous dieback when large; can be devastated by the elm leaf beetle).
4. Boxelder Maple (primary host plant of the boxelder bug).
5. Cotton-bearing Cottonwood. The Board of Trustees will consider Cotton-bearing Cottonwood on a case-by-case basis for restoration projects along riparian corridors. (Often considered a public nuisance.)
- 6.

E. Buffering and Screening Techniques

1. Intent. To integrate adjacent land uses and provide seamless transitions from one use to another through the use of building orientation and access, landscaping and appropriate architectural elements.
2. General Provisions.
 - a. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to ensure that the transition from one use to another is attractive, functional and minimizes conflicts between the current and planned uses.
 - b. It is the responsibility of the developer of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic. See Figure 2-26.
 - c. Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case by case basis.
 - d. Under no circumstances shall a fence be the only screening material used as a buffer between land uses.
 - e. Integrate adjacent land use through appropriate:
 - i. building orientation and setback
 - ii. landscaping
 - iii. access
 - iv. architectural elements
3. Location and Screening of Required Loading and Service Areas.
 - a. Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
 - b. Screening and landscaping shall prevent direct views of loading areas and their driveways and outside storage areas from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping; and shall be visually impervious. Recesses in the building or depressed access ramps may be used.
4. Dumpsters.
 1. Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are.....

17.02.060. Fences and Walls

- A. Intent. To ensure that walls and fences are attractive and in character with the neighborhood.
- B. Regulations. The following regulations shall govern all fences to be constructed or re-constructed within the Town. It is unlawful for any person in possession of any property in the Town as owner or tenant to:
1. Construct or maintain within the Town any fence with the intent of charging it with electricity or to equip any fence in such a manner as to make possible charging it with electricity;
 2. Construct or maintain a fence constructed of barbed wire, tin or sheet metal or partly of any of those materials; except, that in districts zoned for industrial or commercial usage, or with the approval of the building official, barbed wire may be allowed as a topping for woven wire industrial type fences; provided, that the barbed wire shall be no closer than six feet (6') from ground level.
 3. No fence, wall or other obstruction shall be constructed between the street line and the front setback line of any street, except it shall be permissible to construct a fence of such material or in such manner that visibility through said fence shall not be less than fifty percent (50%) said fence not to exceed forty-two inches; (42") in height from top elevation of curb.
 4. On all corner lots within any zone, no fence, wall, shrubbery or sign shall be erected, placed or planted within seventy-five feet (75') from the center point of said intersection, and there shall be a twenty-five foot (25') setback on the side of the lot facing the street.
 - a. EXCEPTIONS:
 - i. Shrubs that do not exceed forty-two inches (42") in height;
 - ii. Split rail fences that do not exceed forty-two inches (42") in height from top elevation of curb and have a minimum of twelve inches (12") between the horizontal members;
 - iii. Chain link fences that do not exceed forty-two inches (42") in height from top elevation of curb and maintain fifty percent (50%) visibility through said fence.
 5. Except as herein set forth, fences shall be permitted that do not exceed six feet (6') in height.
 6. The Town building official may require a gate or gates to be placed in any fence constructed in conformance with this Ordinance for the purpose of providing access for fire protection, meter reading or for the use and maintenance of any existing easement and is further authorized to promulgate rules as to the location of any such gates.
- C. Location.
1. Fences, walls and hedges may be placed in appropriate locations in order to provide screening and enclosures. Fences and walls shall be constructed of materials which are visually pleasing and compatible with the surrounding improvements. Height changes, offset angles and the use of complementary materials may be used to create variety in fences and walls.
 2. Fences shall be permitted in the interior side or rear yards, provided that the fence does not extend beyond the front line of the principal building or structure; in the case of corner lots, does not extend beyond the front or street side line of the building or structure and does not exceed a height of six (6) feet.
 3. On reverse frontage lots, fences shall be permitted, provided that the fence is set back a minimum of three (3) feet from the back right-of-way and does not exceed a height of three (3) feet.
 4. Fences, walls and hedges shall not be located in any public right-of-way without the written consent of the Board of Trustees, and the Board of Trustees may withdraw such consent at any time upon sixty (60) days' notice, and upon such withdrawal with consent, the fence, wall or hedge must be removed at the

landowner's cost.

- D. Materials. All fencing shall be constructed of brick, wood pickets, vinyl, wrought iron, decorative concrete block, chain link (in rear yards only) or other material normally used for fencing and shall be constructed to conceal or integrate all structural members of the fence into the architectural design of the fence. All other materials and construction methods shall be subject to review and approval by the Planning Commission and all such alternative materials shall only be approved if such materials comply with this Chapter, blend into the neighborhood and are not unsightly or dangerous in any manner. The following types of fences will only be permitted upon showing of a need for the designated type of fence:
1. Chain link will be allowed in the front lot in a business, public facility or industrial zone, upon establishing a need for such a fence for reasons of security or protection of outdoor storage and approval from the Board of Trustees. A six-foot chain link fence shall be permitted, provided that such fence is set back a minimum of eight (8) feet from the back of the sidewalk, or if no sidewalk, then eight (8) feet from where the sidewalk should be if one were in place;
- E. Prohibited Materials. No fences shall be constructed in whole or in any part of concertina, razor wire, barbed wire, tin, wood scraps, mill scraps or slabs, or any unsightly material. No electrically charged fences will be allowed. No chain link fence will be allowed in front yards. For purposes of this Section, the *front yard* shall exclude any porch, deck or veranda. The front wall shall be a load-bearing primary wall.
- F. Decorative Fences. Decorative or ornamental fences shall be permitted in the front yard, provided that the following conditions are met:
1. The maximum height allowable is 42".
 2. The fence must meet all sight distance regulations as set forth in 17.02.060 B.4.
 3. Visibility through fences shall not be less than fifty (50%) percent.
 4. No total enclosure fences will be allowed.
- G. Maintenance. All fences shall be maintained in good structural condition and in good repair at all times. Such maintenance shall include, but is not limited to, the replacement of any broken or missing portions of the fences. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Town. Areas adjacent to fences, walls and hedges shall be maintained in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Town. Hedges shall not encroach upon sidewalks or street rights-of-way. The Town may repair and/or replace fencing or plants and bill the owner if the owner does not make repairs as ordered by the Building Inspector.
- H. Non-Conforming Fences. This Section shall apply to all fences constructed after the effective date of the ordinance codified herein. Any fence existing prior to the effective date of the ordinance codified herein shall be allowed to remain as constructed. If any nonconforming fence is removed or rebuilt, the new construction must comply with this Section.
- I. Warranty Period. The warranty period for perimeter fences along arterial and collector streets shall be two (2) years. Provision for compliance shall be as outlined in the warranty section of the Subdivision Improvements and Development Agreement.

17.02.070. Lighting

- A. Intent

AULT MUNICIPAL CODE

1. To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.
2. To encourage exterior lighting that is functional, aesthetically pleasing, and complimentary to the architectural style of buildings.

B. General Provisions.

1. Evaluation of Exterior Lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.
2. Light Style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.
3. Concealed Light Source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with "cut-off" devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.
4. Hours of Lighting Operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.
5. Lighting Standards.
 - a. Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than sixteen (16) feet from the ground. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high. Developer shall use Town approved light fixtures and poles.
 - b. Non-Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than twenty-five (25) feet from the ground, unless a greater height, not to exceed the maximum building height in the applicable zone district, is approved by the Planning Commission or Board of Trustees through a development application review process. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high. Developer shall use Town approved light fixtures and poles.
6. Exemption for Outdoor Recreational Uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses (both public and private, unless otherwise restricted by the Board of Trustees) shall be exempt from the general provisions of this section. However, exterior lighting for such uses shall be

extinguished no later than

Chapter 17. 03 Reserved

Chapter 17. 04 Required Improvements

Sections:

- 17. 04. 010 General Requirements
- 17. 04. 020 Street Improvements
- 17. 04. 030 Storm Drainage System
- 17. 04. 040 Sanitary Sewerage System
- 17. 04. 050 Potable Water System
- 17. 04. 060 Non-Potable Water System
- 17. 04. 070 Fire Hydrants
- 17. 04. 080 Underground Electricity and Telephone Distribution Systems
- 17. 04. 090 Street Lighting
- 17. 04. 100 Street Trees
- 17. 04. 110 Reference Monuments
- 17. 04. 120 Maintenance

17. 04. 010. General Requirements

- A. The sub-divider or developer shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage systems, sanitary sewerage, potable water systems, street lights and street trees.
- B. Under such agreement the sub-divider shall post a performance bond or certified check, which bond or check shall be drawn in favor of the Town in an amount equal to estimated cost of construction of improvements.
- C. The performance bond certified check posted by the sub-divider or developer shall not be released until final construction of improvements has been completed, inspected at the sub-divider's expense, and approved and accepted by the Town.
- D. The improvements required by this chapter shall be provided in each subdivision or development proposed, and to the extent determined by the Planning Commission and Town Board. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town: and shall be constructed in accordance with the approved plans and profiles and the construction requirements and specifications of the Town.
 - 1. The following improvements shall typically be constructed as determined by the town engineer. Unless different standards are approved in writing by the town engineer or have been adopted by the Town, the design and construction standards in effect for the Town of Ault shall apply to these improvements.
 - a. Road grading and surfacing.
 - b. Curbs.
 - c. Streetlights.
 - d. Sidewalks.

- e. Sanitary sewer collection system.
- f. Storm sewers or storm drainage system, as required.
- g. Potable water distribution.
- h. Non-potable water distribution.
- i. Fire hydrants.
- j. Utility distribution system for public parks and open space.
- k. Street signs at all street intersections.
- l. Permanent reference monuments and monument boxes.
- m. Underground telephone, electricity and gas lines.
- n. Berm or fence along major arterial and collector streets.
- o. Required landscaping, open space and park improvements.
- p. Tree lawns.
- q. Under drains.
- r. Trails.
- s. Required floodway improvements.
- t. Required irrigation ditch improvements.
- u. Required off-site improvements.

E. No improvements shall be made until all plans, profiles, and specifications have been received and approved by the Town.

(Ord.183 §6(1), 1972)

17.04.020. Street Improvements

- A. Grading. Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites.
- B. Pavement Base. The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load.
- C. Pavement. Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required applicable Town standards as set out in 17.02.020.
- D. Alleys. If alleys are provided, they shall be paved.
- E. Curbs and Gutters. All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement.
- F. Driveways and Accessways. Where appropriate to the type of development proposed, driveways or accessways shall be provided for vehicular access to each structure or parking or loading area. Driveways and accessways provided shall be of adequate width and constructed with suitable subgrade, base, drainage and surfacing to be durable under the use contemplated.
- G. Sidewalks and Walkways. Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 16. 20. 020 F of this chapter. Sidewalks and walkways shall be durable constructed, with all-weather surfacing, and shall be adequately lighted and maintained for the use contemplated.
- H. Street Name Signs. Easily legible street name signs shall be installed at street intersections or as necessary for

convenient identification of streets.

(Ord. 183 §6(2), 1972)

17. 04. 030. Storm Drainage System

- A. The storm drainage system shall consist of natural drainage course whenever possible and/or surface drainage structures, catch basins and other underground drainage structures. The storm drainage system shall be of sufficient size and design to carry off all predictable surface water runoff within the subdivision or development and storm water drainage which enters the development from adjacent areas based on a one-hundred-year frequency storm.
- B. Where deemed necessary by the Planning Commission and the Town Board, catch basins shall be provided at all low points, at street intersections, and at intermediate locations as necessary to prevent overloading of the street gutters. Catch basins provided shall be connected to collection mains of adequate size with outfalls approved by the Planning Commission.
- C. Storm drainage shall not be permitted to empty into any sanitary sewage system.

(Ord. 183 §6(3) (A), 1972)

17. 04. 040. Sanitary Sewerage System

The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure to be built. The sanitary sewerage system shall be of sufficient size and designed to collect all sewage from all proposed or probable structures within the subdivision or development.

(Ord. 183 §6(3) (B), 1972)

17. 04. 050. Potable Water System

The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.

(Ord. 183 §6(3) (C), 1972)

17. 04. 060. Non-Potable Water System

Where available this is a separate system for use of landscape watering only, which shall in no way be connected to the potable system.

17. 04. 070. Fire Hydrants

Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred feet (500') from the nearest fire hydrants. There shall be a four (4) foot radius clearance for fences.

(Ord. 183 §6(3) (D), 1972)

17. 04. 080. Underground Electricity and Telephone Distribution Systems

- A. Electric power and telephone connections and wire shall be placed below the surface of the ground in raceways and conduits. Transformers, switching bases, terminal boxes, meters, cabinets, pedestal ducts and other facilities necessarily appurtenant to such underground connections shall not be located on power poles, but shall be placed on or under the surface of the ground, and where placed on the surface, shall be adequately screened and fenced as necessary for safety and concealment.
- B. Electrical transmission and distribution feeder lines and communication trunk and feeder lines may be placed above ground.

(Ord. 183 §6(3) (F), 1972)

17. 04. 090. Street Lighting

Ornamental street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be seven thousand (7,000) lumen lamps at a maximum spacing of four hundred feet (400'). The street lighting plan specifying the number, kind, and approximate location of street lights must be included on the final plat.

(Ord. 183 §6(3) (F), 1972)

17. 04. 100. Street Trees

One (1) street tree of one and one-half inch (1 ½") caliper shall be provided for each lot of seventy-five-foot (75') frontage. For corner lots, at least one (1) tree shall be required for each street. The trees shall be located so as not to interfere with sight distance at driveways. The Planning Commission shall furnish a list of acceptable trees.

(Ord. 183 §6(3) (G), 1972)

17. 04. 110. Reference Monuments

Permanent reference monuments with plastic caps on five eighths by thirty-six-inch (5/8"x 36") rods shall be located and placed within the subdivision or development as required upon the final plat.

(Ord. 284 §1(part), 1986; Ord. 183 §6(4), 1972)

17. 04. 120. Maintenance

Adequate provisions for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Town Board or its authorized representatives.

(Ord. 183 §6(5), 1972)

Chapter 17. 05 Reserved

Chapter 17. 06 Dedications and Reservations

Sections:

17. 06. 010 Dedications

17. 06. 020 Park and Recreation Reservations

17. 06. 030 Land Dedication for School Sites

17. 06. 010. Dedications

- A. Dedication of land, free of all liens and encumbrances, for park and recreation areas shall be required in each new subdivision or other designation of the Town. The sub-divider shall allocate and convey no less than ten percent (10%) of the gross land area, exclusive of street, alleys and utility easements, of the proposed subdivision for such public purposes. Specific sites to be dedicated for parks shall be subject to approval by the Planning Commission and Town Board upon consultation with appropriate public agencies having jurisdiction.
- B. At the option of the Town, the sub-divider shall in lieu of such conveyance of land pay to the Town in cash an amount equal to the value of ten percent (10%) of the gross land area before subdivision. The equivalent cash valuation, when acceptable, shall be based upon an appraisal by a competent, independent appraiser selected by the Town and the sub-divider. The proceeds of any equivalent cash payment shall be placed in a separate Town account and shall be used only for the acquisition and improvement of land for public parks and recreation areas.
- C. At the further option of the Town, the sub-divider shall in lieu of such conveyance of land or payment of equivalent in cost, shall pay a park fee as specified in Chapter 16. 40 of this title.

(Ord. 183 §7(1), 1972)

17. 06. 020. Park and Recreation Reservations

- A. Reservation by covenant, in lieu of dedication, may be permitted in some cases such as a planned unit development where land is to be used for recreational or amenity purposes by the property owners.
- B. Reservation of land within a subdivision may be required for the duration of the preliminary plat approval in order to afford the appropriate public agency the opportunity to coordinate its acquisition of public land with the development of the subdivision. An agreement shall be entered into between the sub-divider and the public agency regarding the timing and method of acquisition.

(Ord. 183 §7(2), 1972)

17. 06. 030. Land Dedication for School Sites

- A. Dedication of land or cash payments in lieu thereof for school purposes shall be required for each new development including, but not limited to annexation, subdivision, planned unit development, special use permit, planned development overlay, or other development approval (any residential building permit except as provided in the IGA within the Town of Ault).
- B. A sub-divider, owner, or developer shall be required to allocate land or make cash payments in lieu thereof for the appropriate value in accordance with an agreement entered into between Weld County School District RE-9 and

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the Town of Ault and such payment shall be made pursuant to the current methodology as indicated in such IGA.

- C. The amount of land required to be dedicated or cash paid in lieu of such land dedication may from time to time be modified upon receipt by the Town of updated methodology for the calculation of such fees in lieu of such dedication.
- D. The specific site of any land dedication shall be determined at the time of final plat approval. In the event cash in lieu of land dedication is the method of compliance with this section, then such cash in lieu may be paid in gross at the time of the final plat approval. In the event payment is not made in gross, then the cash in lieu payment shall be collected at the time of issuance of the building permit. All funds collected pursuant to this section shall be paid directly to the Weld County School District RE-9 prior to the issuance of such permit.
- E. This Code shall apply to all new residential construction with in the Town of Ault, except construction, which will not have an adverse effect on the School District's ability to provide adequate educational opportunities. The following shall be exempt from the requirement of this Code:
 - 1. Alteration or expansion of a residential dwelling unit not exceeding a new increase of one thousand (1,000) square feet of the existing dwelling unit.
 - 2. Replacement of a residential dwelling in which the replacement does not exceed a net increase of one thousand (1,000) square feet of the dwelling unit being replaced.
 - 3. Construction of a non-dwelling unit, accessory building, or structure.
 - 4. Construction of any non-residential building or structure.
 - 5. Nursing homes or assisted living facilities designed exclusively for the elderly or disabled.
 - 6. Town approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such as that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.
- F. Should any section, clause, sentence or part of this Code be adjudged by a court of competent jurisdiction to be unconstitutional and /or invalid, such adjudication shall not affect the validity of the Code as a whole or any part therefore other than the part so declared to be unconstitutional or invalid.
- G. Any person, firm, corporation, or other entity violating any of the provisions of this Code, shall be deemed guilty of a misdemeanor and each such person, firm, corporation or entity upon conviction or any violation of this Code shall be punished by a fine not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than ninety (90) days, or both such fine and imprisonment for each offense. Each day that a violation of this Code exists or continues to exist shall constitute a separate violation.

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Title 18 - Statutory References for Colorado Cities and Towns

Chapters:

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Title 19 - Ordinance History

Chapters:

AULT MUNICIPAL CODE

Title 20 - Fee Schedule

Chapters:

20.1 Fee Schedule

Chapter 20.1 Fee Schedule

Sections:

20.1.1 Fee Schedule

20.1.1. Fee Schedule

Description	Code Reference	Ault Current	Comments
ANIMALS			
Dog/Cat license	06.04.070	\$5.00 per animal per year	
Three-year		\$15.00	
Unspayed	06.04.070	\$20.00 per year	
Three-year		\$60.00	
Late (after January 31st)	06.04.070	\$10.00	
Tag Replacement	06.04.100	\$1.00	
Kennel license	05.08.110	\$25.00 per year	
Pet shop license	05.08.110	\$25.00 per year	
Chickens, 6 hen limit	06.04.340	\$10.00 per year	
BUSINESS FEES			
Business license - General Business	05.04.070	\$10.00 with \$10.00 late fee for each month thereafter Effective Jan 1, 2015	
Retail Food Mobile License		\$25 per year Late renewal \$25 Duplicate \$5	
Contractor License		\$25 per year Late renewal \$25 Duplicate \$5	
Sales tax license (town)	03.04.060	\$10.00 per year	
Farmers Market	05.04.070	\$10.00 Daily	
PUBLIC RECORDS			
Photocopies	01.04.070		
Letter size		\$0.25	
Legal size		\$0.25	
11" x 17"		\$0.25	
Police Records			
Search and Retrieval Fee		\$10.00	

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Redaction/Extended Research and Retrieval		\$11.25 per 15 min/\$45 per hour	Cumulative staff time to retrieve, redact, reproduce and mail, email or fax records exceeding 10 min
Report Copies		First 5 pages included in search and retrieval fee, each add'l page \$.25	
Releases on Digital Media		\$8.00 per drive	USB Drive
CD/DVD		\$5.00 per disc	
Police Evidence	includes body worn camera and digital evidence		
Initial Research Fee		\$25.00 per hour/one hour minimum	
Redaction Fee		\$50.00 per hour per recording	
Physical Copies		\$.50 per page	
Releases on Digital Media			
USB Drive		\$8.00 per drive	
CD/DVD		\$5.00 per disc	
Traffic Accident Reports		\$10.00 per report	
VIN Verifications		\$10.00 per vehicle	Ault and Pierce residents only
		\$20.00 per vehicle	Non Residents
Certified VIN		\$50.00	includes a \$25.00 non refundable deposit
Breath Alcohol Testing		\$5.00	
Publications i.e. Comp Plan, Code, copies		First hour free then \$25.00/hour + cost of materials	
Documents available on compact disc		\$5.00	
Open Records Act requests		\$5.00 + \$30.00 per hour (first hour free)	
Search fee for documents not readily available in the office		First hour free then \$30.00 per hour + copy costs, if any	
Copies of meeting tapes		\$5.00	
RETURNED CHECKS	01.04.070	\$25.00 (cash, certified check or money order)	
SIGNS			
Permit fee	16.07.100	\$25.00	
Sandwich board signs	16.07.100	\$25.00	
CEMETERY			

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Lot	13.12.040	\$750.00	
Open/Close	13.12.040	\$500.00	
Weekend	13.12.040	\$200.00	
Cremins	13.12.040	\$200.00	
PARKS AND RECREATION FEES	01.04.070		
General park use permit (community use)		\$25.00 + \$100.00 damage deposit	
Electricity availability fee		\$25.00 per day	
Amplified sounds permit		\$25.00 per day	
LIQUOR Administrative Process Fee			Annual Resolution
Administrative Fee	05.12.050	\$50.00	In addition to License Fee
New	05.12.050	\$1,000.00	See Colo. Liquor Enforcement
New with concurrent review	05.12.050	\$1,000.00	Fee Schedule for additional
Transfer of Ownership	05.12.050	\$750.00	
Renewal	05.12.050	\$50 + type of license fee	
Open Container	05.12.140	\$25.00	
Special events license	05.12.050	\$25.00 per event	
Late Renewal		\$500.00	
Temporary	05.12.050	\$100.00	
Marijuana License Fees			
New License Applicaton Fee	5.13.290	\$2,500.00	
Annual Operating Fee	5.13.290	\$5,000.00	
Late Renewal Applicaton Fee	5.13.290	\$1,000.00	
Extension of Lapse Deadline App	5.13.290	\$3,000.00	
Transfer of Ownership or Change of Business structure	5.13.290	\$3,000.00	
Modificaton of Premises or Change of Plan App Fee	5.13.290	\$3,000.00	
Manager Registration Fee	5.13.290	\$500.00	

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CODE			
Mowing/Cleaning of property	08.08.050	\$150.00 per hour with two hour minimum	
Certified VIN		\$20.00 plus \$30.00 Admin Fee	
Police Records		\$5.00	
LAND USE			
DEVELOPMENT FEES			Under further review
Annexation (application fee)	16.01.110	\$500.00 plus fund deposit agreement	
Preliminary	16.01.110	\$750.00	
Final	16.01.110	\$500.00	
Building permits			
Use Tax 3%	03.08.030	3% of half the value	
Plan review	16.01.110	Safebuilt fee	
Cost Agreement	16.01.110	\$5,000.00	
Site Plan	16.01.110	\$250.00	
Amendment Fee	16.03.090	\$50.00 plus Safebuilt fees	
Administrative Fee	16.01.120	\$60.00 hour	
DRT	16.01.120	cost of consultants fees	
Planned Development Overlay	16.03.055	\$250.00 up to 25 units plus \$10.00 per lot over 25 units	
Re-plat subdivision	16.12.040	\$500.00	
Zoning	16.01.110	\$750.00	
Re-zoning (map amendment)	16.03.090	\$500.00	
Minor	16.04.070	\$150.00	
Appeal	16.03.070	\$200.00	
Preliminary Plat	16.04.050	\$500.00	
Final Plat	16.04.060	\$500.00	
Conditional Use Review	16.03.050	\$500.00	
Subdivision (for each level of review or	16.01.110	\$500 + costs	
Subdivision exemption (RE)	16.01.110	\$500.00	

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Variance (Board of Adjustment)	16.06.100	\$50.00 + costs	
Violation	16.01.120	Property lien or Summons	
Funds Deposit Agreement	16.01.110	\$5000.00 deposit	
Home Based Business	16.01.110	\$35.00	
Home Based Business Renewal	16.01.110	\$35.00	
Home Based Business Violation	16.01.110	\$250.00	Each day a separate offense
Water for Development	13.04.040		
Plant Investment Fee	13.04.040	\$4,750.00	
Water Dedication	13.04.040	May vary depending on agreement	
3/4 in tap		1 AF of CBT	
1 in tap		12 AF may vary	
1.5 in tap		18 AF may vary	
2 in tap		24 AF may vary	
Water Meter Pit Assembly	13.04.040	\$750.00 + \$25.00 inspection fee	4/1/22 \$925 plus 25 Inspection fee
3/4" Tap	13.04.040	\$5,000.00	
1" Tap	13.04.040	\$8,000.00	
1.5" Tap	13.04.040	\$20,000.00	
2" Tap	13.04.040	\$30,000.00	
Construction Meter Deposit	13.04.050	\$2,500.00	
Construction Meter Charge	13.04.050	Market rate plus \$5.00 per day	
Infrastructure Fees			
Use Tax	03.08.070	3% of 1/2 the total value of construction	
Administrative Fee	16.01.110	\$125.00/DU	
School Impact Fee	16.01.110	\$1,100.56/DU	
Police Surcharge	16.01.110	\$200.00/DU	
Infrastructure	16.01.110	\$250.00/DU	
Street Impact Fee	16.01.110	\$2,000.00/DU	
Storm Drainage	16.01.110	\$1,000.00/DU	
Park Fee	16.01.110	\$1000.00/DU	
Inspection Fees		Per Safebuilt	
Special Meeting		Cost of Meeting	

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Sewer Tap Fee	13.08.070	\$6198.00/DU	
Water Tap Fee	13.04.040	\$5,000.00/DU	
Water Usage	13.04.050		
Residential Water Service			
Water Meter Fee		\$12.00 monthly	
Water Usage Rate			
Full Dedication User		10.47 per 1,000 gallons	up to 12,000 gallons
Half Dedication User		\$10.47 per 1,000 gallons	up to 6,000 gallons
Outside User		\$10.47 per 1,000 gallons	
Excess Usage Rates			
Full and Half Dedication User		\$12.57 per 1,000	
Commercial/Business Water Service			
Water Meter Fee	5/8"	\$12.00 monthly	
	1"	\$24.00 monthly	
	1 1/2"	\$48.00 monthly	
	2"	\$96.00 monthly	
	3"	\$192.00 monthly	
Water Usage Rate		\$10.47per 1,000 gallons	
Multifamily Water Service			Apartments, RV Parks, Mobile Home Parks, MF Units
Water Meter Fee	5/8"	\$12.00 monthly	
	1"	\$24.00 monthly	
	1 1/2"	\$48.00 monthly	
	2"	\$96.00 monthly	
	3"	\$192.00 monthly	
Water Usage Rate		\$12.57 per 1,000 gallons	
Outsider User Water/Sewer Fee		\$20 monthly	
Late payment charge	13.04.050	\$10.00	
Shut off/Turn on Fee	13.04.110	\$100.00	
Stand-by charge/dormant fee		N/A	
Meter Replacement		Cost of labor and materials	
Unauthorized connection	13.04.020	\$500.00	
Well Water	13.04.040	\$10.00 per 1000 residential \$20.00 per 1000 outside user	
Construction Meter Deposit		\$2,500.00 refundable	
Meter Lock out Fee		\$250.00	
Ownership Transfer Fee		\$100.00	

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Sewer Usage	13.08.090		
Connection Charge		\$12.00 monthly	
Sewer Service Rate		\$9.70 per 1,000 gallons	up to 6000 gallons
High Rate Sewer Service	13.08.090		
Connection Charge		\$12.00 monthly	
Sewer Service Rate		\$9.70 per 1,000 gallons	
Multifamily Sewer Service	13.08.090		
Connection Charge		\$12.00 monthly	
Sewer Service Rate		\$9.70 per 1,000 gallons	
Street Repair and Maintenance		4.78 month	
Unauthorized connection	13.08.090	\$500.00	
Trash		\$16.40	
EXCAVATION/ACCESS PERMITS (street cut)			
ROW/Street Cut Permit	12.02.010	\$150.00 plus repair of the street	
Boring Permit		\$100.00 per bore plus costs	
Inspection/Consultation fees (optional as needed)	12.020.10	\$100.00 plus costs	
Scheduled		\$100.00	
Unscheduled		\$125.00	
Commercial Road Impact		Determined per project	
ROW Violation	12.02.010	\$500.00 per incident	

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STATUTORY REFERENCES FOR COLORADO CITIES AND TOWNS

General Provisions

Classification of municipalities

CRS §31-1-201 et seq.

Codification of municipal ordinances

CRS §31-16-201 et seq.

Vesting of municipal powers

CRS §31-15-101 et seq.

Municipal home rule

CRS §31-2-201 et seq.

Penalties for ordinance violations

CRS §31-16-101

Ordinances

CRS §31-16-102 et seq.

Municipal election code

CRS Title 31, Art. 10

Organizational structure and officers of statutory cities

CRS §31-4-101 et seq.

City council-city manager form of government

CRS §31-4-201 et seq.

Organizational structure and officers of statutory towns

CRS §31-4-301 et seq.

Administration and Personnel

Requirements and compensation of officers

CRS §31-4-401 et seq.

Officers' recall

CRS §31-4-501 et seq.

Municipal courts

CRS §31-10-101 et seq.

General Administrative powers

CRS §31-15-201

Fire. Police and street departments
CRS §31-30-101 et seq.; §29-5-101 et seq.

Disaster emergency services
CRS §28-2-101 et seq.

Planning commission
CRS §31-23-201 et seq.

Public meetings
RS §29-9-101

Revenue and Finance

General financial powers
CRS §§31-15-301, 31-15-302, 31-15-901

Final procedures
CRS §§31-20-201, 31-20-202

Treasurer's duties
CRS 31-20-301 et seq.

Warrants
CRS §31-20-401 et seq.

Budget and services
CRS §29-1-101 et seq.

Sales or use tax
CRS §29-2-101 et seq.

County and city development revenue bond act
CRS §29-3-101 et seq.

Taxation and assessment collection
CRS §31-20-101 et seq.

Bonds
CRS §31-21-101 et seq.

Contracts for public improvements
CRS §31-15-712

Rental and leasehold agreements
CRS §31-15-801

Improvement districts in municipalities
CRS §31-25-501 et seq.; §31-25-601 et seq.

Business Taxes, Licenses and Regulations

Regulation of businesses
CRS §31-15-501

Fermented malt beverages
CRS §12-46-101 et seq.

Alcoholic beverages
CRS §12-47-101 et seq.

Animals

Authority to regulate and control animals
CRS §§31-15-401(1) (i) and 31-15-401 (1) (m) (l)

Health and Safety

Authority to do all acts to promote the public health
CRS §31-15-401(1) (b)

Building and fire regulations
CRS §31-15-401(1) (c)

Noxious weeds
CRS §31-14-401 (1) (d) (l)

Public Peace, Morals and Welfare

Public powers of municipalities
CRS §31-15-401

State criminal code
CRS Title 18

Vehicles and Traffic

Municipal authority to regulate traffic
CRS §§42-4-108, 42-4-109

Vehicles and traffic generally
CRS Title 62

Streets, Sidewalks and Other Public Places

Streets and alleys
CRS §§31-15-702- -31-15-706

Establishment of parks in cities
CRS §31-25-201 et seq.

Establishment of parks in towns
CRS §31-25-301 et seq.

Urban renewal
CRS §31-25-101

Public mall act of 1970
CRS §31-25-401 et seq.

Public Services

Municipal utilities
CRS §31-15-707

Water and water systems
CRS §31-15-708

Sewers and sewer systems
CRS §31-15-709

Water pollution control
CRS §31-15-710

Miscellaneous public improvements
CRS §31-15-710

Cemeteries
CRS §31-25-701 et seq.

Underground conversion of utilities act
CRS §29-8-101 et seq.

Building and Construction

Building and fire regulation
CRS §31-15-601 et seq.

City and housing law
CRS §29-4-101 et seq.

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Energy conservation standards for nonresidential buildings

CRS §29-12-101 et seq.

Subdivisions

Subdivision regulations

CRS §31-23-212 et seq.

Plats of cities and towns

CRS §31-23-101 et seq.

Zoning

Authority to enact zoning regulations

CRS §31-23-301 et seq.

Environmental Protection

Air pollution control

CRS §25-7-101 et seq.

Water quality control

CRS §25-9-101 et seq.

Water and wastewater treatment

CRS §25-9-101 et seq.

Individual sewage disposal systems act

CRS §25-10-101 et seq.

Radiation control

CRS §25-11-101 et seq.

Noise abatement

CRS §25-12-101 et seq.

Recreation land preservation

CRS §25-13-101 et seq.

ORDINANCE HISTORY

Ordinance #	Ordinance Title	Date Adopted
498	AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED LAND IN WELD COUNTY, COLORADO INTO THE TOWN OF AULT, COLORADO AS MORE FULLY DESCRIBED HEREIN AND KNOWN AS FREEDOM ACRES ANNEXATION #1, #2 AND #3	2017-05-10
499	AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF AULT TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS "FREEDOM ACRES" NEWLY ANNEXED TO THE TOWN OF AULT	2017-05-10
500	AN ORDINANCE OF THE TOWN OF AULT, COLORADO, AMENDING PORTIONS OF THE TOWN OF AULT MUNICIPAL AND LAND USE CODES	2017-06-14
501	AN ORDINANCE OF THE TOWN OF AULT COLORADO, AMENDING CHAPTER 16 OF THE AULT MUNICIPAL CODE, BY THE ADDITION OF A SECTION, ESTABLISHING DEVELOPMENT IMPACT FEES TO DEFRAY CAPITAL COSTS OF ESTABLISHING THE STORM DRAINAGE IMPACT FEE FUND, THE TRANSPORTATION IMPACT FEE FUND, AND THE PARKS, RECREATION, AND OPEN SPACE IMPACT FEE FUND, AND FOR THE TRACKING AND MANAGEMENT OF THE RESPECTIVE DEVELOPMENT IMPACT FEES COLLECTED	2017-10-11
502	AN ORDINANCE OF THE TOWN OF AULT, COLORADO, LEASING CERTAIN MUNICIPAL WATER RIGHTS TO JAY HASBROUCK ON AN ANNUAL BASIS SUBJECT TO CONDITIONS SUBSEQUENT	2017-11-09
503	AN ORDINANCE AMENDING SPEED LIMITS ON SOUTH FIRST AVENUE	2017-10-11
504	AN ORDINANCE REPEALING AND REENACTING SECTION 1.06.010 AND 1.06.020 OF THE TOWN OF AULT MUNICIPAL CODE REGARDING DEADLINES FOR AFFIDAVITS FOR WRITE IN CANDIDATES AND CANCELLATION OF ELECTIONS	2018-02-14
505	AN ORDINANCE OF THE TOWN OF AULT, COLORADO, AMENDING THE AULT MUNICIPAL CODE REGARDING THE REQUIREMENT FOR ADJOINING LANDOWNERS TO MAINTAIN RIGHT OF WAY FOR ALL ROADS OVER WHICH THE TOWN HAS JURISDICTION	2018-07-18
506	AN ORDINANCE OF THE TOWN OF AULT, COLORADO TO PROHIBIT UNAUTHORIZED USE OF THE MUNICIPAL NON-POTABLE WATER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS	2020-08-12
507	ORDINANCE ESTABLISHING PLANNED DEVELOPMENT OVERLAY DISTRICT FOR FREEDOM ACRES SUBDIVISION	2018-09-12
508	AN ORDINANCE OF THE TOWN OF AULT, COLORADO REPEALING AND RE-ENACTING THE AULT MUNICIPAL CODE WITH AMENDMENTS AND CORRECTIONS	2019-02-06
509	AN ORDINANCE REGULATING USE OF BUSES, CAMPER COACHES, TRAILER COACHES, MOTOR HOMES, SELF-PROPELLED MOTOR HOMES, RECREATIONAL EQUIPMENT, AND RECREATIONAL VEHICLES AS A RESIDENCE	2019-02-13
510	AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2018 EDITION, THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION, THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, AND THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL.	2019-06-12
511	AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED LAND IN WELD COUNTY, COLORADO INTO THE TOWN OF AULT, COLORADO AS MORE FULLY DESCRIBED HEREIN AND KNOWN AS LASALLE RENTAL ANNEXATION #5	2019-05-08

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Ordinance #	Ordinance Title	Date Adopted
512	AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF AULT TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS THE "LASALLE RENTAL ANNEXATION #5"	2019-05-08
513	AN ORDINANCE OF THE TOWN OF AULT, COLORADO ESTABLISHING AUTHORITY TO RESTRICT TRUCK TRAFFIC ON LOCAL STREETS AND ESTABLISHING PENALTIES FOR VIOLATION	2019-08-14
514	AN ORDINANCE OF THE TOWN OF AULT, COLORADO TO REDUCE THE NUMBER OF TRUSTEES OF THE TOWN FROM SIX TO FOUR	2020-01-08
515	AN ORDINANCE OF THE TOWN OF AULT, COLORADO REQUIRING PERMITS PRIOR TO ALL FENCE CONSTRUCTION	2020-03-11
516	AN ORDINANCE OF THE TOWN OF AULT, COLORADO, MODIFYING PROVISIONS OF THE AULT MUNICIPAL CODE TO RESTRICT CERTAIN NOISE CAUSING EQUIPMENT ON MOTOR VEHICLES	2020-08-12
517	AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED LAND IN WELD COUNTY, COLORADO INTO THE TOWN OF AULT, COLORADO AS MORE FULLY DESCRIBED HEREIN AND KNOWN AS PROPERTIES AULT, LLC	2020-10-14
518	AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED LAND IN WELD COUNTY, COLORADO INTO THE TOWN OF AULT, COLORADO AS MORE FULLY DESCRIBED HEREIN AND KNOWN AS 729 HWY 85, AULT AND PORTIONS OF 203 JACKIE ANN, 201 JACKIE ANN, 105 JACKIE ANN, 103 JACKIE ANN, 100 JACKIE ANN	2021-01-13
519	AN ORDINANCE EXTENDING THE ELECTRIC FRANCHISE GRANTED BY THE TOWN OF AULT, WELD COUNTY, COLORADO TO PUBLIC SERVICE COMPANY OF COLORADO, AS SET FORTH IN ORDINANCE NUMBER 345	
520	AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF AULT TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS PROPERTIES AULT LLC NEWLY ANNEXED TO THE TOWN OF AULT	2020-10-14
521	AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF AULT TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS OCHOA ANNEXATION NEWLY ANNEXED TO THE TOWN OF AULT	2021-01-13
522	AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2018 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, CERTAIN FIRE CODE STANDARDS, APPENDICES AND MODIFICIATIONS THERETO	2020-12-16
523	AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF AULT COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.	2020-12-16
524	AN ORDINANCE FOR THE REQUIRING A FRANCHISE AGREEMENT FOR ANY WORK DONE IN A PUBLIC RIGHT-OF-WAY	2021-01-13
525	AN ORDINANCE OF THE TOWN OF AULT, COLORADO, TO AMEND CERTAIN SECTIONS OF THE AULT MUNICIPAL CODE AND ADOPT A NEW FEE SCHEDULE FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES AND FACILITIES OF THE TOWN FOR RESIDENTIAL USERS AND COMMERCIAL USERS OF THE TOWN OF AULT	2021-02-10
526	AN ORDINANCE GRANTING A CONTINUED FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO TO FURNISH, SELL, AND DISTRIBUTE GAS AND ELECTRICITY WITHIN THE TOWN OF AULT PURSUANT TO THE TERMS OF THE FRANCHISE AGREEMENT BETWEEN THE TOWN AND PUBLIC SERVICE COMPANY OF COLORADO	2021-02-10

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Ordinance #	Ordinance Title	Date Adopted
527	AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED LAND IN WELD COUNTY, COLORADO INTO THE TOWN OF AULT, COLORADO AS MORE FULLY DESCRIBED HEREIN AND KNOWN AS CONESTOGA FARM ANNEXATION #1	2021-04-14
528	AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF AULT TO ESTABLISH THE ZONING OF PROPERTY KNOWN CONESTOGA FARMS #1 NEWLY ANNEXED TO THE TOWN OF AULT	2021-04-11
529	AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL	2021-06-01
530	AN ORDINANCE OF THE TOWN OF AULT, COLORADO REPEALING AND RE-ENACTING AULT MUNICIPAL CODE SECTIONS 16.3.110 AND 16.3.111 CLARIFYING RULES FOR HOME-BASED BUSINESSES IN THE TOWN OF AULT	2021-03-10
531	AN ORDINANCE ADOPTING AN ADDITION TO TITLE 12 OF THE AULT MUNICIPAL CODE TO PREVENT THE BLOCKAGE OF PUBLIC ROADWAYS AND SIDEWALKS BY PRIVATE PROPERTY	2021-06-02
532	AN ORDINANCE ADOPTING AN ADDITION TO TITLE 3 OF THE AULT MUNICIPAL CODE TO ALLOW MINORS TO SELL ITEMS ON A DAY-TO-DAY BASIS WITHOUT A LICENSE	2021-06-02
533	AN ORDINANCE OF THE TOWN OF AULT, COLORADO REPEALING AND RE-ENACTING SECTIONS OF THE AULT MUNICIPAL CODE WITH AMENDMENTS AND CORRECTIONS	2021-07-14
534	AN ORDINANCE OF THE TOWN OF AULT, COLORADO AMENDING CHAPTER 2.52, ETHICS CODE, OF THE AULT MUNICIPAL CODE	2021-09-08
535	AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED LAND IN WELD COUNTY, COLORADO INTO THE TOWN OF AULT, COLORADO AS MORE FULLY DESCRIBED HEREIN AND KNOWN AS POUFRE VALLEY COOPERATIVE ASSOCIATION INC.	2021-11-10
536	AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF AULT TO ESTABLISH THE ZONING OF PROPERTY KNOWN AS POUFRE VALLEY COOPERATIVE ASSOCIATION INC NEWLY ANNEXED TO THE TOWN OF AULT	2021-11-10
537	AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL	2022-02-09
538	AN ORDINANCE REPEALING AND REENACTING PORTIONS OF ARTICLE 34 OF CHAPTER 9 OF THE AULT MUNICIPAL CODE, ENACTING A NEW ARTICLE 13 OF CHAPTER 5 OF THE AULT MUNICIPAL CODE REGARDING THE LICENSING AND REGULATION OF MARIJUANA ESTABLISHMENTS, AND AMENDING PORTIONS OF ARTICLE 3 OF CHAPTER 16 OF THE AULT LAND USE CODE	2022-08-10
539	AN ORDINANCE OF THE TOWN OF AULT, COLORADO AN ORDINANCE REPEALING AND RE-ENACTING THE ANIMAL CONTROL CODE IN THE AULT MUNICIPAL CODE	2023-06-30
540	AN ORDINANCE OF THE TOWN OF AULT, COLORADO REPEALING AND RE-ENACTING SECTIONS OF THE AULT MUNICIPAL CODE WITH AMENDMENTS AND CORRECTIONS	2023-04-12
541	AN ORDINANCE OF THE TOWN OF AULT CALLING AN ELECTION ON NOVEMBER 7, 2023, FOR VOTER APPROVAL TO IMPOSE AN ADDITIONAL SALES TAX ON THE SALE OF RETAIL MARIJUANA WITHIN THE TOWN PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE AND SETTING FORTH DETAILS IN RELATION THERETO	2023-06-14
542	AN ORDINANCE OF THE TOWN OF AULT, COLORADO REPEALING AND RE-ENACTING SECTIONS OF THE AULT MUNICIPAL CODE WITH AMENDMENTS AND CORRECTIONS	2023-06-14