

# KERSEY MUNICIPAL CODE

1994

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

Published by

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# **OFFICIALS**

of the

## **TOWN OF KERSEY**

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*Mayor Pro Tem*

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*Board of Trustees*

Joe Adolf

Bill Cannon

Bob Kellerhuis

Gary Latrimanta

Tom Pettit

*Town Administrator*

Trudy Peterson

*Town Clerk/Treasurer*

Linnette Barker

*Town Attorney*

Don Hoff

KERSEY MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2006-007, adopted March 22, 2006.**

*Remove old pages*

Title page, ii  
iv  
x, xi  
4-1  
4-3  
4-6  
5-4  
5-12  
5-14  
5-16  
6-5  
7-1  
7-3—7-10  
8-1—8-8  
11-1, 11-2  
13-1—13-6  
13-13—13-15  
17-13, 17-14  
18-1—18-9  
T-11—T-52  
I-1—I-13

*Insert new pages*

Title page, ii  
iv  
x, xi  
4-1  
4-3  
4-6—4-9  
5-4  
5-12  
5-14  
5-16  
6-5  
7-1  
7-3—7-10b  
8-1—8-13  
11-1—11-5  
13-1—13-6b  
13-13—13-15  
17-13, 17-14  
18-1—18-12  
T-11—T-52  
I-1—I-14

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KERSEY MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2002-010, adopted September 10, 2002.**

*Remove old pages*

Title page, ii  
iv  
ix—xi  
2-1  
2-3, 2-4  
2-9  
5-32  
7-11  
7-13—7-15  
8-1, 8-2  
8-5—8-10\*  
10-2  
10-14, 10-15  
10-17—10-19  
13-1, 13-2  
13-6, 13-7  
13-11  
13-14  
16-2, 16-3  
16-9—16-11  
16-13  
16-24  
16-31—16-34  
16-38  
17-1  
17-3, 17-4  
17-6  
17-11  
17-16, 17-17  
17-19, 17-20  
18-1—18-4  
T-10—T-52  
I-1—I-12

*Insert new pages*

Title page, ii  
iv  
ix—xi  
2-1  
2-3, 2-4  
2-9, 2-10  
5-32  
7-11  
7-13—7-15  
8-1—8-2c  
8-5—8-8  
10-2  
10-14—10-15a  
10-17—10-21  
13-1, 13-2  
13-6, 13-7  
13-11, 13-11a  
13-14, 13-15  
16-2, 16-3  
16-9—16-11a  
16-13  
16-24—16-24d  
16-31—16-34d  
16-38—16-43  
17-1, 17-1a  
17-3—17-4b  
17-6—17-6b  
17-11—17-11b  
17-16, 17-17  
17-19—17-22  
18-1—18-9  
T-10—T-52  
I-1—I-13

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## SUPPLEMENTATION

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

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

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

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

## AMENDMENTS

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

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

The "Kersey Municipal Code" is amended by the addition thereto of a new Section 2-121, which is to read as follows:

(Set out full section number, title and contents)

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

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

(Set out section title and contents)

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

Section 2-121 of the "Kersey Municipal Code" is repealed in its entirety and readopted to read as follows:

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

or as follows:

Section 2-121 of the "Kersey Municipal Code" is amended to read as follows:

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

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

Section 2-121 of the "Kersey Municipal Code" is repealed in its entirety.

## PREFACE

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

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

The *two-place section numbering system* places the chapter number first, followed by a hyphen and section number. This two-place system is simplified by the elimination of article numbering. Each section may be cited by the chapter and section numbers which, together with reserved section numbers, are in sequence within each chapter.

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

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

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

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

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ORDINANCE NO. 195  
OF THE TOWN OF KERSEY, COLORADO

ADOPTING AND ENACTING A NEW KERSEY MUNICIPAL CODE FOR THE TOWN OF KERSEY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

*Be It Ordained by the Board of Trustees of the Town of Kersey:*

*Section 1.* The code entitled "Kersey Municipal Code" published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, is adopted as a primary code by reference.

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

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

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

(1) The *Model Traffic Code for Colorado Municipalities*, 1977 edition, promulgated and published by the State Department of Highways, as adopted and amended in Section 8-1 *et seq*;

(2) The *Weld County Building Code*, as adopted and amended in Section 18-1, and included within the "Uniform Building Code," 1991 edition, published by the International Conference of Building Officials, as adopted and amended in Sections 18-1 and 18-2 *et seq*;

(3) The *Uniform Mechanical Code*, 1991 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-2 *et seq*;

(4) The *National Electrical Code*, 1990 edition, published by the National Fire Protection Association, as adopted in Section 18-2 *et seq*;

(5) The *Uniform Plumbing Code*, 1991 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 18-2 *et seq*;

(6) The *Uniform Code for the Abatement of Dangerous Buildings*, 1991 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-2 *et seq*;

(6) The *Uniform Swimming Pool, Spa and Hot Tub Code*, 1991 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 18-2 *et seq*;

(7) The *Uniform Housing Code*, 1991 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-2 *et seq*;

*Section 5.* The penalties provided by the Municipal Code of the Town of Kersey are hereby adopted as follows:

(1) **Sec. 1-72. General penalty for violation.**

Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and each such person upon conviction of any violation of this Code or any secondary codes shall be punished by a fine of 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. When a violation of any Section of this Code or any part of the adopted codes occurs and continues for more than one (1) day, each day such violation occurs or continues shall constitute a separate offense.

(2) **Sec. 1-73. Application of penalties to juveniles.**

The violation of any Section of this Code by a 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), or useful public service or such other penalty excluding imprisonment as may be appropriate. Notwithstanding this Section, the application of imprisonment penalties which may otherwise be applicable to such offenses and as are allowed by Colorado law may be imposed in the discretion of the Municipal Judge.

(3) **Sec. 2-87. Contempt power.**

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint and arraignment.

(4) **Sec. 2-89. Imposition of additional fine. (Municipal Court)**

(a) After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town, the Municipal Judge shall add thereto an amount (to be known as the "additional fine") equal to ten percent (10%) of such fine. The total fine, including the additional fine, may not exceed one thousand dollars (\$1,000.00).

(b) All proceeds of the additional fine shall be paid into the general fund of the Town, to be used for the purpose of law enforcement training.

(5) **Sec. 5-15. Rates; violations. (Cable TV franchise)**

(9) For failure to complete system construction in accordance with the provisions of this franchise, unless the Board of Trustees specifically approves the delay by motion or resolution, which approval shall not be unreasonably withheld, due to the occurrence of conditions beyond the Grantee's control, the Grantee shall pay two hundred dollars (\$200.00) per day for each day, or part thereof, the deficiency continues.

(10) For failure to provide data, documents, reports and information during a CATV system review or rate inquiry, the Grantee shall pay fifty dollars (\$50.00) per day for each violation or for each day a violation continues. A violation will exist when the Town has requested such information in writing or at a public hearing if such information is not provided within ten (10) days after the request.

(11) For failure to test, analyze and report on the performance of the system following a request pursuant to this franchise, the Grantee shall pay to the Town fifty dollars (\$50.00) per day for each day, or part thereof, that such noncompliance continues. Noncompliance will be presumed if the requested test or information has not been performed or supplied within ten (10) days after requested by the Town either in writing or at a public hearing.

(12) Forty-five (45) days following adoption of a resolution of the Board of Trustees determining a failure of the Grantee to comply with operational or maintenance standards, the Grantee shall pay to the Town one hundred dollars (\$100.00) per day for each day, or part thereof, that such noncompliance continues.

(6) **Sec. 5-33. Civil penalties. (Electric franchise)**

(a) For failure to complete system construction in accordance with the provisions of this franchise, unless the Board of Trustees specifically approves the delay by motion or resolution, the Grantee shall pay two hundred dollars (\$200.00) per day for each day, or part thereof, the deficiency continues.

(b) For failure to provide data, documents, reports, information during a CATV system review or rate inquiry, the Grantee shall pay fifty dollars (\$50.00) per day as each violation occurs or continues.

(c) For failure to test, analyze and report on the performance of the system following a request pursuant to this franchise, the Grantee shall pay to the Town fifty dollars (\$50.00) per day for each day, or part thereof, that such noncompliance continues.

(d) Forty-five (45) days following adoption of a resolution of the Board of Trustees determining a failure of the Grantee to comply with operational or maintenance standards, the Grantee shall pay to the Town one hundred dollars (\$100.00) per day for each day, or part thereof, that such noncompliance continues.

(7) **Sec. 8-81. Safety belt systems, mandatory use, exemptions.**

(f) Penalty. Any person violating the provisions of this Section shall, upon conviction thereof, be punished by a fine of ten dollars (\$10.00).

(8) **Sec. 18-7. Penalties. (Building Code)**

(2) Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation, of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished as set forth in Section 1-72 of the Kersey Municipal Code.

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

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

*Section 8.* The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public health and safety in order to make this Ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assure that the purposes of this Ordinance are met. This Ordinance and Kersey Municipal Code shall become immediately effective upon the adoption hereof.

INTRODUCED this 11th day of January, 1994 .

TOWN OF KERSEY, COLORADO

ATTEST:

(signature) \_\_\_\_\_  
Mayor

(signature) \_\_\_\_\_  
Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 8th day of February, 1994.

ATTEST:

(signature)

\_\_\_\_\_  
Mayor

(signature)

\_\_\_\_\_  
Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)

\_\_\_\_\_  
Attorney

TOWN OF KERSEY

TABLE OF CONTENTS

<b>TITLE PAGE</b> .....	i
<b>OFFICIALS OF THE TOWN</b> .....	ii
<b>SUPPLEMENTATION</b> .....	iii
<b>PREFACE</b> .....	iv
<b>ADOPTING ORDINANCE</b> .....	v
<b>TABLE OF CONTENTS</b> .....	ix
<b>Chapter 1      General Provisions</b> .....	1-1
Article I      Code	
Article II     Definitions and Usage	
Article III    General	
Article IV    General Penalty	
Article V     Inspections	
Article VI    Seal	
<b>Chapter 2      Administration and Personnel</b> .....	2-1
Article I      Elections	
Article II     Mayor and Board of Trustees	
Article III    Officers and Employees	
Article IV    Social Security	
Article V     Municipal Court	
Article VI    Police Department	
Article VII   Planning Commission	
<b>Chapter 3      Reserved</b>	
<b>Chapter 4      Revenue and Finance</b> .....	4-1
Article I      Fiscal Year	
Article II     Funds Generally	
Article III    General and Special Funds	
Article IV    Sales Tax	
<b>Chapter 5      Franchises and Communication Systems</b> .....	5-1
Article I      Cable Television System	
Article II     Poudre Valley Rural Electric Association Electric Franchise	
Article III    Public Service Company Electric Franchise	
Article IV    Gas Franchise	
Article V     Telephone Utilities Tax	
Article VI    Emergency Telephone Charge	
<b>Chapter 6      Business Licenses and Regulations</b> .....	6-1
Article I      Licenses Generally	
Article II     Itinerant Merchant's License	

	Article III	Occupation Fee and License Processing Fee	
<b>Chapter 7</b>	<b>Health, Sanitation and Animals</b>	.....	7-1
	Article I	Garbage, Refuse and Trash	
	Article II	Nuisances	
	Article III	Weeds, Refuse and Trees	
	Article IV	Animals	
	Article V	Dogs	
<b>Chapter 8</b>	<b>Vehicles and Traffic</b>	.....	8-1
	Article I	Model Traffic Code	
	Article II	Motor Vehicles	
	Article III	Reserved	
	Article IV	Drivers' Licenses and Vehicle Registration	
<b>Chapter 9</b>	<b>Reserved</b>		
<b>Chapter 10</b>	<b>General Offenses</b>	.....	10-1
	Article I	Offenses by or Against Public Officers and Government	
	Article II	Offenses Against Public Decency	
	Article III	Offenses Against Property	
	Article IV	Offenses Relating to Streets and Public Places	
	Article V	Offenses Against Public Peace, Order and Safety	
	Article VI	Offenses Relating to Alcoholic Beverages	
	Article VII	Offenses Relating to Weapons	
	Article VIII	Offenses Relating to Minors	
	Article IX	Noise	
	Article X	Controlled Substances	
<b>Chapter 11</b>	<b>Streets, Sidewalks and Public Property</b>	.....	11-1
	Article I	Sidewalks	
	Article II	Streets	
<b>Chapter 12</b>	<b>Reserved</b>		
<b>Chapter 13</b>	<b>Municipal Utilities</b>	.....	13-1
	Article I	Sewer	
	Article II	Water System	
	Article III	Water Usage	
<b>Chapter 14</b>	<b>Reserved</b>		
<b>Chapter 15</b>	<b>Annexation</b>	.....	15-1
	Article I	Annexation Procedures	
<b>Chapter 16</b>	<b>Zoning</b>	.....	16-1
	Article I	General Provisions	
	Article II	Administration and Enforcement	
	Article III	Zoning Districts	
	Article IV	A Residence District	
	Article V	A1 Residence District	
	Article VI	B Residence District	
	Article VII	C Business District	

Article VIII	C1 Business District
Article IX	D Industrial District
Article X	E Estates District
Article XI	MHP Mobile Home Park District
Article XII	S Shopping Center District
Article XIII	Planned Unit Development District
Article XIV	Supplemental Regulations
Article XV	Uses by Special Review
Article XVI	Oil and Gas Code
Article XVII	Mobile Home Parks
Article XVIII	Flood Damage Prevention
	<i>Division 1 General</i>
	<i>Division 2 Administration</i>
	<i>Division 3 Miscellaneous</i>

**Chapter 17 Subdivisions** ..... 17-1

Article I	General Provisions
Article II	Applicability of Regulations
Article III	Procedure
Article IV	Plats and Data
Article V	Design Standards
Article VI	Required Improvements
Article VII	Dedication and Reservation of Land
Article VIII	Variances and Modifications
Article IX	Vested Property Rights
Article X	Miscellaneous

**Chapter 18 Building Regulations** ..... 18-1

Article I	International Building Code
Article II	Secondary Codes

**TABLES**

Disposition of Ordinances Table	.....	T-1
Table of Up-to-Date Pages	.....	T-51

**INDEX** ..... I-1